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J21.6/2:952/Trans. 63-R

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Washington, DC 20536

February 6, 1980

8981

Regulations
Transmittal Memo No. 63

Contin

The attached pages:

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| 80.31-80.32 | 584.5-584.6 | 1103-1104 |
| 80.45-80.46 | 637-638 | 1104.1-1104.4 |
| 80.51-80.54 | 638.1-638.2 | 1120.1-1120.2 |
| 277-278 | 842.3-842.4 | 2629-2630 |
| 278.1-278.2 | 1100.43-1100.46 | 2635-2640 |
| 281-282 | 1100.49-1100.54 | 4418.5-4418.6 |
| 285-286 | 1100.59-1100.60 | 5223-5224 |

contain the following noted regulatory amendments:

Effective: June 1, 1979 (published: 44 FR 31629, June 1, 1979):

20 CFR 655.102(a) (p. 1100.44, minor editorial change)
20 CFR 655.104(a) (p. 1100.46, par. (a) amended)
20 CFR 655.106(a) (p. 1100.49, minor editorial change made in par. (a))
20 CFR 655.107(b) (p. 1100.50, par. (b) amended)
20 CFR 655.107(b) (p. 1100.51, table of wage rates amended to include date of September 13, 1977)
20 CFR 655.107(f) (p. 1100.53, minor editorial change)
20 CFR 655.110 (p. 1100.60, minor editorial change made to final sentence)

Effective: June 7, 1979 (published: 44 FR 41422, July 17, 1979):

8 CFR 238.3 (p. 2630, listing amended to include "ALIA--The Royal Jordanian Airline")

Effective: June 13, 1970 (published: 44 FR 47757, August 15, 1979):

8 CFR 238.4 (p. 2640, "Qantas Empire Airways, Ltd." deleted from listing under "At Vancouver")

Effective: July 31, 1979 (published: 44 FR 48652, August 20, 1979):

8 CFR 238.3 (pp. 2630 & 2635, listing amended to include "Aviacion Y Comercio, S.A. (Aviaco Airlines)" and "Republic Airlines, Inc.")

Effective: August 2, 1979 (published: 44 FR 50803, August 30, 1979):

8 CFR 238.3 (p. 2637, listing amended to include "VARIG S.A. (Brasilian Airlines)")

Effective: August 23, 1979 (published: 44 FR 49430, August 23, 1979):

8 CFR 204.1(b)(1) (p. 638, revised by redesignating existing regulation as subparagraph (1) General, and deleting the last sentence)

8 CFR 204.1(b)(2) (pp. 638.1, new subparagraph (2) added to require a request for advance processing of an orphan petition to be accompanied by the petition Form I-600, the required fee, and the fingerprints of the prospective parent(s))

Effective: August 29, 1979 (published: 44 FR 50587, August 29, 1979):

8 CFR 103.1(q) (p. 277, amended to add aircraft pilots and helicopter pilots to the list of immigration officers)

Effective: September 4, 1979 (published: 44 FR 61320, October 25, 1979):

8 CFR 316a.2 (p. 5224, amended to add "University of Illinois at Urbana-Champaign, Austria-Illinois Exchange Program" to listing of American Institutions of research)

Effective: September 7, 1979 (published: 44 FR 52169, September 7, 1979):

8 CFR 103.2(b)(1) (pp. 278.1-.2, 5th sentence amended to provide that the required English translation be provided in accordance with the instructions printed on the application or petition form)

8 CFR 103.7(a) (p. 282, 9th sentence is amended to provide that remittance of fees may be made by means of bank international money order or foreign drafts, drawn on U.S. financial institutions and payable in U.S. currency)

Effective: September 21, 1979 (published: 44 FR 49239, August 22, 1979):

8 CFR 214.2(a)(1) (p. 1104.1, existing regulation redesignated as subparagraph (1) General)

8 CFR 214.2(a)(2) (pp. 1104.1-1104.3, new subparagraph (2) added to establish a formal procedure under which spouses and dependents of A-1 and A-2 aliens in the U.S. may apply for permission to accept or continue employment)

Effective: October 1, 1979 (published: 44 FR 56311, October 1, 1979):

8 CFR 100.4(c)(1) (p. 80.32, Syracuse, N.Y. deleted from list)

8 CFR 100.4(c)(2) (p. 80.46, District No. 32--Anchorage, Alaska, is amended by redesignating *Haines, Alaska as Dalton's Cache, Alaska)

8 CFR 100.4(d) (p. 80.51, Sector No. 1--Houlton, Maine, is amended by deleting Lincoln, Maine from listing of BP stations)

8 CFR 100.4(d) (p. 80.51, Sector No. 2--Swanton, VT, is amended by deleting Whitehall, New York from list of BP stations)

8 CFR 100.4(d) (p. 80.52, Sector No. 10--Livermore, Calif., is amended by adding Oxnard, Calif., and San Luis Obispo, Calif. to list of BP stations)

8 CFR 100.4(d) (p. 80.52, Sector No. 11--Chula Vista, Calif., is amended by deleting Oxnard, Calif., and San Luis Obispo, Calif. from list of BP stations)

8 CFR 100.4(d) (p. 80.53, Sector No. 14--Tucson, Ariz., is amended to designate Naco, Ariz., as a substation of Douglas, Ariz., and Ajo, Ariz., as a substation of Gila Bend, Ariz.)

Effective: November 13, 1979 (published: 44 FR 65727, November 14, 1979); (amended order published at 44 FR 75165, December 19, 1979, Effective: December 17, 1979):

8 CFR 214.5 (pp. 1120.1-.2, new subpars. (a), (b), and (c) added re requirements for maintenance of status for nonimmigrant students from Iran)

Effective: November 26, 1979 (published: 44 FR 61319, October 25, 1979):

8 CFR 103.7(b)(1) (pp. 282, 285-286, fee for filing application for replacement of obsolete, lost, mutilated or destroyed Alien Registration Card increased to $15. Fee descriptions for filing applications on Form I-485 for lawful permanent residence or creation of record thereof consolidated and fee increased to $30. New fee added for filing application for waiver of 30-day wait re naturalization; $5. New fee added for filing motion for amendment of petition for naturalization when motion is for convenience of petitioner; $5. Fee for filing N-565 for new naturalization or citizenship papers increased to $10. Fee for filing application for certificate of citizenship on Form N-600 increased to $15. Fee for filing application for certificate of citizenship made on Form N-400 increased to $15)

Effective: December 13, 1979 (published: 44 FR 65726, November 14, 1979):

8 CFR 214.1(f) & (g) (p. 1104, new subpars. (f) & (g) added concerning false information and criminal activity by nonimmigrants)

Effective: January 23, 1980 (published: 45 FR 5431, January 23, 1980)

State Dept. Public Notice 702 (p. 584.6, Turkey is added to the list of independent countries)

8 CFR 212.2(h) (p. 842.3, remove page dated (12-28-77) and insert page dated (2-6-80))

8 CFR 274.9 (p. 4418.5, page editorially reissued)

David Crosland
Acting Commissioner

Enclosures

38. Houston, Texas. The district office in Houston, Texas has jurisdiction over the following counties in the State of Texas: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Jasper, Jefferson, Liberty, Madison, Matagorda, Montgomery, Nocogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Washington, and Wharton.

39. San Diego, California. The district office in San Diego, California, has jurisdiction over the following counties in the State of California: Imperial and San Diego.

40. Harlingen, Texas. The district office in Harlingen, Texas has jurisdiction over the following counties in the State of Texas: Brooks, Cameron, Hidalgo, Kenedy, Kleberg, Starr and Willacy.

(c) Suboffices. The following offices, in addition to the facilities maintained at Class A ports of entry listed in subparagraph (2) of this paragraph, indicated by asterisk, are designated as suboffices:

(1) Interior locations.

Albany, N. Y.
Albuquerque, N. Mex.
Boise, Idaho
Charlotte, N. C.
Cincinnati, Ohio
Fairbanks, Alaska
Fresno, Calif.
Las Vegas, Nev.
Louisville, Ky.
Memphis, Tenn.
Oklahoma City, Okla.
Pittsburgh, Pa.
Reno, Nev.
Sacramento, Calif.
Salt Lake City, Utah
St. Louis, Mo.
Spokane, Wash.
Tucson, Ariz.

(2) Ports of entry for aliens arriving by vessel or by land transportation. Subject to the limitations prescribed in this subparagraph, the following places are hereby designated as ports of entry for aliens arriving by any means of travel other than aircraft. The designation of such a port of entry may be withdrawn whenever, in the judgment of the Commissioner, such action is warranted. The ports are listed according to location by districts and are designated either Class A, Class B, or Class C. Class A means that the port is a designated port of entry for all aliens. Class B means that the port is a designated port of entry for aliens who at the time of applying for admission are lawfully in possession of valid resident aliens' border-crossing identification cards or valid nonresident aliens' border-crossing identification cards or are admissible without documents under the documentary waivers contained in Part 212 of this chapter. Class C means that the port is a designated port of entry only for aliens who are arriving in the United States as crewmen as that term is defined in section 101(a)(10) of the Act with respect to vessels.

Class C

Morgan City, La.

Pascagoula, Miss.

DISTRICT NO. 30--HELENA, MONT.

Class A

* Eastport, Idaho
* Porthill, Idaho
Chief Mountain, Mont.
(May - October)
Del Bonita, Mont.
* Morgan, Mont.
* Opheim, Mont.
* Piegan, Mont.
* Raymond, Mont.
* Roosville, Mont.
* Scobey, Mont.
* Sweetgrass, Mont.
* Turner, Mont.
* Whitetail, Mont.
* Wildhorse, Mont.
* Willow Creek, Mont.

Class B

Whitlash, Mont.

DISTRICT NO. 31--PORTLAND, OREG.

Class A

Astoria, Oreg. (the port of Astoria includes, among others, the port facilities at Bradwood, Pacific City, Taft, Tillamook (including Garibaldi and Bay City), Warrenton, Wauna, and Westport, Oreg.)
Coos Bay, Oreg. (the port of Coos Bay includes, among others, the port facilities at Bandon, Brookings, Depoe Bay, Florence, Frankfort, Gold Beach, Newport (including Toledo), Port Orford, Reedsport, Waldport, and Yachats, Oreg.)
Portland, Oreg. (the port of Portland includes, among others, the port facilities at Beaver, Columbia City, Prescott, Rainier, and St. Helens, Oreg.; and Kalama, Longview, and Vancouver, Wash.)

DISTRICT NO. 32--ANCHORAGE, ALASKA

Class A

Anchorage, Alaska
* Dalton's Cache, Alaska
Juneau, Alaska
* Ketchikan, Alaska
Skagway, Alaska
* Tok, Alaska

Class B

Eagle, Alaska
Hyder, Alaska

DISTRICT NO. 38--HOUSTON, TEX.

Class A

Beaumont, Tex.
* Galveston, Tex. (the port of Galveston includes, among others, the port facilities at Freeport, Port Bolivar, and Texas City, Tex.)
Houston, Tex. (the port of Houston includes, among others, the port facilities at Baytown, Tex.)
* Port Arthur, Tex. (the port of Port Arthur includes, among others, the port facilities at Orange and Sabine, Tex.)

DISTRICT NO. 39--SAN DIEGO, CALIF.

Class A

* Andrade, Calif.
* Calexico, Calif.
* San Ysidro Port of Entry, Calif.
* Tecate, Calif.

DISTRICT NO. 40--HARLINGEN, TEX.

Class A

* Brownsville, Tex.
* Falcon Heights, Tex.
* Hidalgo, Tex.
* Los Ebanos, Tex.
* Port Isabel, Tex.
* Progreso, Tex.
* Rio Grande City, Tex.
* Roma, Tex.

(d) Border Patrol Sectors. Border Patrol sector headquarters and stations are situated at the following locations:

SECTOR NO. 1--HOULTON, MAINE

Calais, Maine
Fort Fairfield, Maine
Houlton, Maine
Jackman, Maine
Van Buren, Maine

SECTOR NO. 2--SWANTON, VT.

Beecher Falls, Vt.
Derby Line, Vt.,
Richford, Vt.
Rouses Point, N.Y.
Swanton, Vt.

SECTOR NO. 3--OGDENSBURG, N. Y.

Malone, N. Y.
Massena, N. Y.
Ogdensburg, N. Y.
Watertown, N. Y.

SECTOR NO. 4--BUFFALO, N. Y.

Buffalo, N. Y.
Niagara Falls, N. Y.

SECTOR NO. 5--DETROIT, MICH.

Detroit, Mich.
Port Huron, Mich.
Sault Ste. Marie, Mich.
Trenton, Mich.

SECTOR NO. 6--GRAND FORKS, N. DAK.

Bottineau, N. Dak.
Duluth, Minn. (Grand Marais, Minn.)
Grand Forks, N. Dak.
International Falls, Minn.
Pembina, N. Dak.
Portal, N. Dak.
Warroad, Minn.

SECTOR NO. 7--HAVRE, MONT.

Havre, Mont. (Malta, Mont.)
Shelby, Mont. (Browning, Mont. and Sweetgrass, Mont.)
Twin Falls, Idaho
Wolf Point, Mont. (Plentywood, Mont.)

SECTOR NO. 8--SPOKANE, WASH.

Bonners Ferry, Idaho
Colville, Wash.
Oroville, Wash.
Spokane, Wash.
Whitefish, Mont. (Roosville, Mont.)

SECTOR NO. 9--BLAINE, WASH.

Bellingham, Wash.
Blaine, Wash.
Lynden, Wash.

SECTOR NO. 10--LIVERMORE, CALIF.

Bakersfield, Calif.
Fresno, Calif.
Livermore, Calif.
Oxnard, Calif.
Sacramento, Calif.
Salinas, Calif.
San Luis Obispo, Calif.
Stockton, Calif.

SECTOR NO. 11--CHULA VISTA, CALIF.

Campo, Calif. (Jacumba, Calif.)
Chula Vista, Calif.
El Cajon, Calif. (Julian, Calif.)
San Clemente, Calif.
Temecula, Calif.

SECTOR NO. 12--EL CENTRO, CALIF.

Calexico, Calif.
El Centro, Calif.
Indio, Calif.
Riverside, Calif.

SECTOR NO. 13--YUMA, ARIZ.

Blythe, Calif.
Tacna, Ariz.
Yuma, Ariz.

SECTOR NO. 14--TUCSON, ARIZ.

Casa Grande, Ariz.
Douglas, Ariz.
(Naco, Ariz.)
Gila Bend, Ariz.
(Ajo, Ariz.)
Nogales, Ariz.
Phoenix, Ariz.
Tucson, Ariz.
Willcox, Ariz.

SECTOR NO. 15--EL PASO, TEX.

Alamogordo, N. Mex.
Carlsbad, N. Mex.
Deming, N. Mex.
El Paso, Tex.
Fabens, Tex.
Fort Hancock, Tex.
Las Cruces, N. Mex.
Lordsburg, N. Mex.
Sierra Blanca, Tex.
Truth or Consequences, N. Mex.
Ysleta, Tex.

SECTOR NO. 16--MARFA, TEX.

Alpine, Tex.
Amarillo, Tex.
Big Spring, Tex.
Fort Stockton, Tex.
Lubbock, Tex.
Marfa, Tex.
Pecos, Tex.
Presidio, Tex.
Sanderson, Tex.
Van Horn, Tex.

SECTOR NO. 17--DEL RIO, TEX.

Brackettville, Tex.
Carrizo Springs, Tex.
Comstock, Tex.
Del Rio, Tex.
Eagle Pass, Tex.
Ozona, Tex.
Sonora, Tex.
Uvalde, Tex.

SECTOR NO. 18--LAREDO, TEX.

Corpus Christi, Tex.
Cotulla, Tex.
Galveston, Tex.
Hebbronville, Tex.
Laredo, Tex.

**SECTOR NO. 19--McALLEN, TEX.**

**Brownsville, Tex.**
**Falfurrias, Tex.**
**Harlingen, Tex.**
**Kingsville, Tex.**
**McAllen, Tex.**
**Mercedes, Tex.**
**Rio Grande City, Tex.**

SECTOR NO. 20--NEW ORLEANS, LA.

Baton Rouge, La.
Gulfport, Miss.
Lake Charles, La.
Little Rock, Ark.
Miami, Okla.
Mobile, Ala. (Pensacola, Fla.)
New Orleans, La.

SECTOR NO. 21--MIAMI, FLA.

Jacksonville, Fla.
Miami, Fla.
Orlando, Fla.
Tampa, Fla.
West Palm Beach, Fla.

(e) Immigration Judges. Immigration Judges are stationed at the following district headquarters: Districts 2, 3, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 21, 25, 38, 39 and 40.

§ 100.5 Regulations. The regulations of the Immigration and Naturalization Service, published as Chapter I of Title 8 of the Code of Federal Regulations, contain information which, under the provisions of section 552 of Title 5 of the United States Code, is required to be published and is subdivided into Subchapter A (General Provisions, Parts 1 through 3, inclusive), Subchapter B (Immigration Regulations, Parts 100 through 299, inclusive), and Subchapter C (Nationality Regulations, Parts 306 through 499, inclusive). Any person desiring information with respect to a particular procedure (other than rule making) under the Immigration and Nationality Act should examine the part or section in Chapter I of Title 8 of the Code of Federal Regulations dealing with such procedures as well as the section of the Act implemented by such part or section.

directly to the United States mainland: Hamilton, Bermuda; Freeport, Bahamas; Nassau, Bahamas and Calgary, Alberta, Canada.

(4) The officer in charge of the office in Montreal, Canada is authorized to perform preinspection of passengers and crew of aircraft departing directly to the United States mainland and authorize waivers of grounds of excludability under sections 212(h) and (i); also, approve applications for permission to reapply for admission to the United States after deportation or removal, when filed in conjunction with an application for waiver of grounds of excludability under sections 212(h) or (i) of the Act.

(p) Special Inquiry Officers. Following selection by the Commissioner, the exercise of the powers and duties in this chapter regarding the conduct of exclusion and expulsion hearings, proceedings for withdrawal of school approval, proceedings for rescission of adjustment of status, and such other proceedings which the Commissioner may assign them to conduct.

(q) Immigration officer. Any immigration inspector, immigration examiner, border patrol agent, aircraft pilot, airplane pilot, helicopter pilot, deportation officer, detention officer, detention guard, investigator, general attorney (nationality), paralegal specialist, trial attorney (immigration), general attorney (immigration), or supervisory officer of such employees is hereby designated as an immigration officer authorized to exercise the powers and duties of such officer as specified by the Act, or this chapter.

(r) Chief Patrol Agents. Under the executive direction of a regional commissioner, the Border Patrol activities of the Service within their respective sector areas, including exercise of the authority contained in section 242(b) of the Act to permit aliens to depart voluntary from the United States prior to commencement of hearing.

§ 103.2 Applications, petitions, and other documents--(a) General. Every application, petition, or other document submitted on a form prescribed by this chapter shall be executed and filed in accordance with the instructions contained on the form, such instructions being hereby incorporated into the particular section of the regulations requiring its submission. The native form of a name may also be required if such a document has been executed in an anglicized version thereof. A parent, guardian, or other adult having a legitimate interest in a person who is under 14 years of age may file on such a person's behalf, and a guardian of a mentally incompetent person may file on such a person's behalf. Any required oath may be administered by an immigration officer or person generally authorized to administer oaths, including persons so authorized by Article 136 of the Uniform Code of Military Justice. Applications or petitions received in any Service office shall be stamped to show the time and date of their actual receipt and, unless otherwise specified in Part 204 or Part 245 of this chapter or returned because they are improperly executed, shall be regarded as filed when so stamped. An application or petition which is presented at an office of this Service by a travel agent, a notary public, or by any individual other than the applicant, petitioner, or an attorney or representative authorized and qualified to represent the applicant or petitioner pursuant to § 292.1 of this chapter, shall be disposed of in the same manner as an application or petition received through the mail. The person submitting the application or petition shall be advised that, since he is not regarded as the authorized representative of the applicant or petitioner, the applicant or petitioner will be notified directly regarding the action taken.

(b) Evidence--(1) Requirements. Each application or petition shall be accompanied by the documents required by the particular section of the regulations under which submitted. Form I-134 may be used if an affidavit of support would be helpful in resolving any public charge aspect. All accompanying documents must be submitted in the original and will not be returned unless accompanied by a copy. Except as provided in §§ 204.2(f), 212.8(b)(4), 214.2(h)(5), 214.2(l)(2), and 214.2(k) of this chapter, a copy unaccompanied by an original will be accepted only if the accuracy of the copy has been certified by an immigration or consular officer who has examined the original. A foreign document must be accompanied by an English translation in accordance with the instructions on the application or petition form. The translator must certify that he is competent to translate, and that the translation is accurate. If any required documents are unavailable, church or school records, or other evidence pertinent to the facts in issue, may be submitted. If such documents are unavailable, affidavits may be submitted. The Service may require proof of unsuccessful efforts to obtain documents claimed to be unavailable. The Service may also require the submission of additional evidence, including blood tests, may require the taking of testimony, and may direct the making of any necessary investigation. When any statement is taken from a person and that statement is signed by him, he shall be furnished a copy thereof, on request, without fee. Any allegations made in addition to, or in substitution for, those originally made shall be under oath and filed in the same manner as the original application, petition, or other document or noted on the original application, petition, or document and acknowledged under oath thereon. The status of an applicant or petitioner who claims that he is a lawful permanent resident alien of the United States will be verified from official records of the Service. Under the conditions hereinafter prescribed, the term "official records," as used

herein, includes Service files, arrival manifests, arrival records, Service index cards, Immigrant Identification Cards, Certificates of Registry, Declarations of Intention issued after July 1, 1929, Alien Registration Receipt Cards (Form AR-3, AR-103, or I-151), passports, and reentry permits. To constitute an "official record" the Service index card must bear a designated immigrant visa symbol and have been prepared in processing immigrant admissions or adjustments to permanent resident status. The other cards, certificates, declarations, permits, and passports must have been issued or have been endorsed by the Service to show admission for permanent residence. Except as otherwise provided in Part 101 of this chapter, and in the absence of countervailing evidence, such official records shall be regarded as establishing lawful admission for permanent residence.

(2) Inspection of evidence. An applicant or petitioner shall be permitted to inspect the record of proceeding which constitutes the basis for the decision, except as hereinafter provided. If the decision will be adverse to the applicant or petitioner on the basis of derogatory evidence considered by the Service and of which the applicant or petitioner is unaware, he shall be advised thereof and offered an opportunity to rebut it and present evidence in his behalf before the decision is rendered, except that classified evidence shall not be made available to him. Any explanation, rebuttal, or evidence presented by or in behalf of the applicant or petitioner shall be included in the record of proceeding. A determination of statutory ineligibility shall not be valid unless based on evidence contained in the record of proceeding. In exercising discretionary power when considering an application or petition, the district director or officer in charge, in any case in which he is authorized to make the decision, may consider and

(2) Blanket bonds for importation of workers classified as nonimmigrants under section 101(a)(15)(H). The following schedule shall be employed by district directors when requiring employers or their agents or representatives to post bond as a condition to importing alien laborers into the United States from the West Indies, the British Virgin Islands, or from Canada:

| | |
|---|---|
| Less than 500 workers | $ 15 each |
| 500 to 1,000 workers | 10 each |
| 1,000 or more workers | 5 each |

A bond shall not be posted for less than $1,000 or for more than $12,000 irrespective of the number of workers involved. Failure to comply with conditions of the bond will result in the employer's liability in the amount of $200 as liquidated damages for each alien involved.

(e) Breach of bond. A bond is breached when there has been a substantial violation of the stipulated conditions. A final determination that a bond has been breached creates a claim in favor of the United States which may not be released or discharged by a Service officer. The district director having custody of the file containing the immigration bond executed on Form I-352 shall determine whether the bond shall be declared breached or cancelled, and shall notify the obligor on Form I-323 or Form I-391 of the decision, and, if declared breached, of the reasons therefor, and of the right to appeal in accordance with the provisions of this Part.

§ 103.7 Fees--(a) Remittances. Fees prescribed within the framework of 31 U.S.C. 483a shall be submitted with any formal application or petition prescribed in this chapter and shall be in the amount prescribed by law or regulation. When any discretionary relief in exclusion or deportation proceedings is granted absent an application and fee there-

for, the district director having jurisdiction over the place where the original proceeding was conducted shall require the filing of the application and the payment of the fee. Every remittance shall be accepted subject to collection. A charge of $5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn. A receipt issued by a Service officer for any such remittance shall not be binding if the remittance is found uncollectible. Remittances must be drawn on a bank or other institution located in the United States and be payable in United States currency. Fees in the form of postage stamps shall not be accepted. Remittances shall be made payable to the "Immigration and Naturalization Service," except that in case of applicants residing in the Virgin Islands of the United States, the remittances shall be made payable to the "Commissioner of Finance of the Virgin Islands," and, in the case of applicants residing in Guam, the remittances shall be made payable to the "Treasurer, Guam." If application is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the Immigration and Naturalization Service in United States currency.

(b) Amounts of fees--(1) The following fees and charges are prescribed:

| | |
|---|---|
| For filing application for Alien Registration Receipt Card (Form I-551) in lieu of an obsolete card or in lieu of one lost, mutilated or destroyed, or in a changed name..... | $15.00 |
| For filing application for verification of information contained in Service records..... | 5.00 |

For filing application for waiver of ground of excludability under section 212 (h) or (i) of the Act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sections.)..... 40.00

For filing application on Form I-485 for permanent residence status or for creation of a record of lawful permanent residence... 30.00

For filing application for change of nonimmigrant classification under section 248 of the Act..... 10.00

For filing appeal from any decision under the immigration laws in any type of proceedings over which the Board of Immigration Appeals has appellate jurisdiction in accordance with § 3.1(b) of this chapter, except that there shall be no fee for an appeal to the Board of Immigration Appeals from a bond decision of an Immigration Judge. (The fee of $50 shall be charged whenever an appeal is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)..... 50.00

For filing a motion to reopen or reconsider any decision under the immigration laws (except on applications filed by students on Form I-538, exchange visitors on Form DSP-66, Cuban refugees on Form I-485A filed under the Act of November 2, 1966 or G-4 nonimmigrants on Form I-566 for which no fee is chargeable). When the motion to reopen or reconsider is made concurrently with any application under the immigration laws, such application will be considered an integral part of the motion and only the fee for filing the motion or the fee for filing the application, whichever is greater, is payable. (The fee of $25 shall be charged whenever a motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)..... 25.00

| | |
|---|---|
| For filing application for stay of deportation under Part 243 of this chapter.... | 25.00 |
| For filing application for temporary withholding of deportation under section 243(h) of the Act..... | 25.00 |
| For filing application for suspension of deportation under section 244 of the Act.... | 65.00 |
| For filing application for a waiver of the 30-day wait prescribed by section 336(c) of the Act..... | 5.00 |
| For filing motion for amendment of petition for naturalization when motion is for the convenience of the petitioner..... | 5.00 |
| For filing application for transfer of petition for naturalization under section 335(i) of the Act, except when transfer is of a petition for naturalization filed under the Act of October 24, 1968, P.L. 90-633..... | 10.00 |
| For filing application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; or for a certificate of citizenship in a changed name under section 343 (b) or (d) of the Act..... | 10.00 |
| For filing application for certificate of citizenship on Form N-600 under section 309 (c) or section 341 of the Act..... | 15.00 |
| For filing application for certificate of citizenship on Form N-400 by a parent, and the issuance thereof, under section 341 of the Act..... | 15.00 |

Jamaica.
1/Japan.
Korea
Laos
Lebanon.
2/Libya.
Liechtenstein.
Luxembourg.
3/Madagascar (Malagasy Republic).
Mauritius.
Mexico.
Monaco
4/Netherlands.
Nicaragua (Diplomatic and official passports only).
Nigeria.
Norway.
Pakistan.
Panama.
5/Paraguay.
Peru.
Philippines.
Portugal

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1/ Japan added by Public Notice 558 dated July 21, 1977 (published 42 FR 38249; July 27, 1977).

2/ Libya added to the list of countries by Public Notice 375 dated Sept. 22, 1976 (published 41 FR 45033; Oct. 14, 1976).

3/ Formerly listed as Malagasy Republic. Revised by Public Notice 633 dated October 4, 1978 (published 43 FR 48751; October 19, 1978).

4/ Revised by Public Notice 633 dated October 4, 1978 (published 43 FR 48751; October 19, 1978).

5/ Paraguay added by Public Notice 579 dated Sept. 23, 1977 (published 42 FR 61525; Dec. 5, 1977).

1/ Qatar*
3/ Soviet Union (U.S.S.R.) (seaman only).
Spain.
Sri Lanka (Ceylon).
Sudan.
Sweden.
Switzerland.
4/ Syria.
Thailand.
Togo.
2/Trinidad and Tobago.
Tunisia.
6/Turkey.
5/United Kingdom.
Uruguay.
Venezuela.
Yugoslavia.

Public notice 238 of November 17, 1964 issued at 29 FR 16097 and amendments thereto are hereby superseded.

Barbara M. Watson
Assistant Secretary
for Consular Affairs

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1/ The State of Qatar and the Union of Soviet Socialist Republics (Seaman only) are added to, and Viet-Nam is deleted from the list of countries by Public Notice 375 dated Sept. 22, 1976 (published 41 FR 45033; October 14, 1976).

*Designation for Qatar revised by Public Notice 633 dated October 4, 1978 (published 43 FR 48751; October 19, 1978).

2/ Trinidad and Tobago are added by Public Notice 378 dated Jan. 30, 1973 (published 38 FR 4000; February 9, 1973); Trust Territory of the Pacific Islands is deleted by Public Notice 633 dated October 4, 1978 (published 43 FR 48751); October 19, 1978).

3/ Formerly listed as Union of Soviet Socialist Republics (Seaman only). Revised by Public Notice 633 dated October 4, 1978 (published 43 FR 48751; October 19, 1978).

4/ Formerly listed as Syrian Arab Republic. Revised by Public Notice 633 dated October 4, 1978 (published 43 FR 48751; October 19, 1978.

5/ Revised by Public Notice 633 dated October 4, 1978 (published 43 FR 48751; October 19, 1978)

6/ Added by Public Notice 702 dated January 14, 1980 (published 45 FR 5431, January 23, 1980)

# PART 204--PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

§ 204.1 Petition--(a) Relative. A petition to accord preference classification under section 203 (a)(1), (2), (4), or (5) of the Act or classification as an immediate relative under section 201(b) of the Act, other than a child as defined in section 101(b)(1)(F) of the Act, shall be filed on a separate Form I-130 for each beneficiary and shall be accompanied by the fee required under § 103.7(b) of this chapter. The petition shall be filed in the office of the Service having jurisdiction over the place where the petitioner is residing in the United States, except that when accompanied by an application for adjustment of status a petition may be filed and a decision thereon made in the Service office having jurisdiction over the place where the beneficiary is residing. When the petitioner resides outside of the United States, the petition shall be filed with the foreign office of the Service designated to act on the petition which can be ascertained by consulting an American consul. American consular officers assigned to visa-issuing posts abroad, except those in Austria, Germany, Greece, Italy, Japan, Korea, the Philippines, Hong Kong, and Mexico are also authorized to approve any petition on Form I-130 when the petitioner and beneficiary are physically present in the area over which the consular officers have jurisdiction. While such consular officers are authorized to approve such petitions, they shall refer any petition which is not clearly approvable to the appropriate Service office outside the United States for decision. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal to the Board within 15 days after mailing of the notification of the decision in accordance with the provisions of Part 3 of this chapter. Without the approval of a separate

petition in his behalf, an alien spouse or a child defined in section 101(b)(1)(A), (B), (C), (D), or (E) of the Act, may be accorded the same preference classification under section 203(a) as his spouse or parent whom he is accompanying or following to join, if the immediate issuance of a visa or conditional entry is not otherwise available under the provisions of section 203(a)(1) through (8) of the Act. However, the alien spouse or child of an alien parent who has been classified as an immediate relative is not within the purview of section 203(a)(9) of the Act and may not be accorded derivative immediate relative status. No alien may be classified as an immediate relative unless he himself is entitled to such status and is the beneficiary of an approved visa petition according him such classification.

(b) Orphan--(1) General. A petition in behalf of a child defined in section 101(b)(1)(F) of the Act shall be filed on Form I-600 by a United States citizen with the office of the Service having jurisdiction over the place where the petitioner is residing, shall identify the child, and shall be accompanied by the fee required under § 103.7(b) of this chapter. If the petitioner is married, the Form I-600 shall be signed also by the petitioner's spouse. If unmarried, the petitioner must be at least twenty-five years of age at the time of the adoption and when the petition is filed. If the petitioner resides outside of the United States, the petition shall be filed with the foreign office of the Service designated to act on the petition, which can be ascertained by consulting an American consul. However, since no Service office in Canada has been so designated, a petitioner residing in that country shall file the petition with the office of the Service having jurisdiction over the place of the child's intended residence in the United States. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of the right to appeal in accordance with the provisions of Part 103 of this chapter.

(2) Advance processing. A prospective petitioner may request advance processing when a prospective orphan has not been located and identified or where the prospective petitioner or spouse is going abroad to adopt or locate a child. The request for advance processing must be in writing and must be accompanied by a Petition to Classify Orphan as an Immediate Relative (Form I-600), the fee specified in § 103.7(b) of this chapter, and the fingerprints of the petitioner and spouse if married. The request will be submitted to the district director in whose jurisdiction the prospective petitioner is residing. Such petition will not be regarded as properly filed until the orphan has been identified, the biographical information concerning the child is furnished to this Service and the necessary supporting documents have been submitted. The petitioner will be informed that the petition will be retained for one year and that if a child has not been identified to this Service within that year the petition will be considered abandoned and that any further proceedings will require the filing of a new petition. If the petition is denied or considered abandoned, the fee will not be refunded.

(c) Petition under section 203(a)(3) or (6)--(1) General. A petition to classify the status of an alien under section 203(a)(3) or (6) of the Act shall be filed on Form I-140. For each beneficiary a separate Form I-140 must be submitted, accompanied by the fee required under § 103.7(b) of this chapter. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer or an immigration officer. Before it may be accepted and considered properly filed, the petition must be accompanied by Labor Department forms entitled "Statement of Qualifications of Alien" and "Job Offer for Alien Employment" to which the certification under section 212(a)(14) of the Act has been affixed by the Secretary of Labor or his designated representative,

except that such certification may be omitted if the beneficiary is qualified for and will be engaged in an occupation currently listed in the Department of Labor's Schedule A (20 CFR Part 656). The petition shall be filed in the office of the Service having jurisdiction over the place of intended employment, except that when accompanied by an application for adjustment of status, a petition may be filed and a decision thereon made in the Service office having jurisdiction over the place where the beneficiary is residing.

**(2) Filing date. In the case of a third or sixth preference petition (except for an occupation listed in Schedule A), the filing date of the petition within the meaning of section 203(c) of the Act shall be the date the request for certification was accepted for processing by any office within the employment service system of the Department of Labor. In the case of a third or sixth preference petition for an occupation listed in Schedule A the filing date of the petition shall be the date it was properly filed with the appropriate Service office.**

(3) Sixth-preference petition for member of the professions or person having exceptional ability in the sciences or arts. Nothing contained in this Part shall preclude an employer who desires and intends to employ an alien who is a member of the professions or a person having exceptional ability in the sciences or the arts from filing a petition for a sixth-preference classification; however, any such petition shall be subject to the requirements of this Part governing sixth-preference petitions.

(4) Interview and decision. Prior to decision by the district director, the beneficiary and the petitioner may be required as a matter of discretion to appear in person before an immigration or consular officer and be interrogated under oath concerning the allegations in the petition. The

(g) Fiancees or fiances of United States citizens. Notwithstanding any of the provisions of this Part, an alien seeking admission as a fiancee or fiance of a United States citizen pursuant to section 101(a)(15)(K) of the Act shall be in possession of a nonimmigrant visa issued by an American consular officer classifying the alien under that section.

(h) [Reserved]

(i) Officers authorized to act upon recommendations of United States consular officers for waiver of visa and passport requirements. All district directors and officers in charge are authorized to act upon recommendations made by United States consular officers or by officers of the Visa Office, Department of State, pursuant to the provisions of 22 CFR 41.7 for waiver of visa and passport requirements under the provisions of section 212(d)(4)(A) of the Act. The district director at Washington, D. C., has jurisdiction in such cases recommended to the Service at the seat of Government level by

the Department of State. Neither an application nor fee are required if the concurrence in a passport or visa waiver is requested by a U.S. consular officer or by an officer of the Visa Office. The district director or the Deputy Commissioner, may at any time revoke a waiver previously authorized pursuant to this paragraph and notify the nonimmigrant alien in writing to that effect.

(j) Cancellation of nonimmigrant visas by immigration officers. Upon receipt of advice from the Department of State that a nonimmigrant visa has been revoked or invalidated, and request by that Department for such action, immigration officers shall place an appropriate endorsement thereon.

§ 212.2 Consent to reapply for admission after deportation, removal or departure at Government expense--(a) Alien applying to consular officer for nonimmigrant visa or nonresident border crossing card. Permission to reapply for admission to the United States after deportation or removal for an alien who is applying or will apply to a consular officer for a nonimmigrant visa or a nonresident border crossing card shall be requested through the consular officer and may be granted only in accordance with section 212(d)(3)(A) of the Act and § 212.4. However, the alien may apply for such permission on Form I-212 submitted to the consular officer, if the consular officer is willing to accept such application and if that officer, in forwarding Form I-212 for decision to the district director having jurisdiction over the place where the deportation or removal proceedings were held, recommends to the district director that the alien be permitted to apply on Form I-212.

(b) Applicant for nonimmigrant visa under section 101(a)(15)(K) of the Act. Notwithstanding the provisions of paragraph (a) of this section, an applicant for a nonimmigrant visa under section 101 (a)(15)(K) of the Act who is the beneficiary of a

of similarly employed U.S. workers will not be adversely affected. The prevailing wage rate in the area and/or occupation is the adverse effect rate, unless the Administrator has determined that a higher wage rate is necessary to prevent an adverse effect.

"Certifying Officer" means a U.S. Department of Labor official authorized to grant or deny temporary labor certification applications.

"Employment and Training Administration (ETA)" means the agency within the Department of Labor (DOL) which includes the United States Employment Service (USES).

"Employer" means a person, firm, corporation or other organization which currently has a location within the Territory of Guam to which U.S. workers may be referred for employment, or the authorized representative of such a person, firm, or corporation.

"Guam employment service office" means an office of the Guam Employment Service agency which serves the island of Guam.

"Job opportunity" means a job opening for employment on Guam to which U.S. workers can be referred.

"Offshore U.S. worker" means a United States worker whose domicile is in a State, Commonwealth, or territory of the U.S. other than Guam.

"Notice of Findings" means a notice which sets forth the bases upon which a Regional Administrator intends to deny a temporary labor certification unless the bases are satisfactorily rebutted.

"Regional Administrator, Employment and Training Administration (RA)" means the chief official of the Employment and Training Administration (ETA) in the Department of Labor (DOL) San Francisco regional office.

"Secretary" means the Secretary of Labor, of the U.S. Department of Labor, or the Secretary's designee.

"Temporary labor certification" means the determination by the Secretary of Labor, pursuant to 8 CFR 214.2(h)(3)(i), that (1) there are not sufficient U.S. workers who are qualified and available to perform the work and (2) the employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers.

"United States Employment Service (USES)" means the agency of the U.S. Department of Labor, established under the Wagner-Peyser Act of 1933, which is charged with administering the national system of public employment offices and carrying out the functions of the Secretary under the Immigration and Nationality Act.

"United States worker" means any worker who, whether U.S. citizen, national, or alien, is legally permitted to work permanently within the United States.

§ 655.102 Temporary labor certification applications (general).

(a) An employer which anticipates a labor shortage may request a temporary labor certification for temporary foreign workers by filing, or by having an agent file, a temporary labor certification application, signed by the employer, with the Guam employment service office. However, if the temporary labor certification application is filed by an agent, the agent may sign the application. If an agent is used, the application must be accompanied by a letter from the employer, signed by the employer, which authorizes the agent to act on the employer's behalf, which states whether, and to what extent the agent is authorized to make changes in the employer's job offer, and which states that the employer assumes full responsibility for the accuracy of the application, for all representations made by the agent on the employer's behalf, and for the fulfillment of all legal requirements arising from the temporary labor certification.

(b) Every temporary labor certification application shall include: (1) A copy of the job offer used by the employer in the recruitment efforts for both U.S. and foreign workers. The job offer shall state the number of workers needed by the employer, and shall be signed by the employer. The job offer shall comply with the requirements of § 655.103 of this subpart;

(2) The assurances required by § 655.104 of this part;

(3) Documentation showing in detail the employer's efforts to recruit U.S. workers; and

(4) Documentation identifying the construction contract or contracts, if any, for which the temporary labor certification is being requested.

(c) A temporary labor certification application shall be filed in sufficient time to allow the Guam employment service office to attempt to recruit local U.S. workers. If local workers are not available, the Guam employment service office shall recruit through the interstate clearance system if current information from the RA indicates that offshore U.S. workers may be available. A minimum of 60 calendar days should be allowed for the Guam employment service local and interstate recruitment process. This 60-day period shall be in addition to the time necessary for the employer to secure foreign workers by the date of need if the temporary labor certification is granted. The Department of Labor, however, may grant or deny the temporary labor certification prior to the end of the 60 calendar days if the Certifying Officer is able to make the necessary determination in a shorter period of time.

§ 655.103 Contents of job offers.

(a) The employer's job offer shall:

(1) Offer to U.S. workers at least the same amount of wages and other benefits and working conditions which the employer is offering to the non-immigrant aliens;

(2) Set forth all the material terms and conditions of the job, including wage rates, working conditions, frequency of pay, hours and days of work, applicable workers' compensation benefits, fringe benefits, proposed deductions from pay, etc;

(3) If housing is offered, contain a detailed description of such housing;

(4) If transportation is offered, describe the transportation benefits in detail;

(5) State that the employer will pay the worker the adverse effect rate pursuant to § 655.107 of this subpart; and

(6) State that the job offer, including all benefits therein, is open to all qualified U.S. workers, including offshore U.S. workers, without regard to race, color, national origin, age, sex, and to U.S. workers with handicaps who are qualified to perform the job.

§ 655.104 Assurances.

As part of the labor certification application the employer shall include assurances signed by the employer, that:

(a) During the period for which the temporary labor certification is granted, the employer will comply with applicable Federal, State, and local employment-related laws, including employment-related health and safety laws.

(b) The job opportunity is not:

(1) Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or

(1) A statement indicating whether the Guam employment service agency believes the employer has met requirements of this subpart;
(2) A report of U.S. workers availability in the area;
(3) A description of the recruitment efforts undertaken by the employer;
(4) Any information which indicates that, during the prior year, the employer did not fulfill the wage or other representations made in connection with any prior temporary labor certifications and whether or not the Guam employment service agency took action against the employer pursuant to Part 658, Subpart F, of this Chapter; and
(5) Any other information requested by the Department of Labor.

§ 655.106 Temporary labor certification determinations.

(a) If the Certifying Officer has reason to believe that the employer's efforts to recruit U.S. workers have not been sufficient, that U.S. workers are available, that the employment of the non-immigrant aliens will adversely affect the wages and working conditions of U.S. workers, or that the temporary labor certification should not be granted for other reasons, the Certifying Officer shall issue a Notice of Findings, and shall afford the employer a reasonable time to submit evidence to rebut the bases of the Notice of Findings.
(b) The Certifying Officer shall then make a determination to grant or deny the temporary labor certification. No temporary labor certification shall be granted, however, if the Certifying Officer determines that the employer, during the prior year, did not fulfill the wage or other representations made in connection with any prior temporary labor certification, or if the Certifying Officer determines that, with respect to the present temporary labor certification application, the employer has not complied with the requirements of §§ 655.103-107 of this part.

(c) After the temporary labor certification determination has been made the Certifying Officer shall notify the employer in writing of the decision. If the temporary labor certification is denied, the notice shall state the reasons therefor and the appeal rights of the employer under the Immigration and Naturalization Service regulations.

(d) The granting or denial of a temporary labor certification application by the Certifying Officer shall be the final decision of the Secretary of Labor. Therefore, the employer may not make use of the complaint procedures set forth at Part 658, subpart E of this Chapter.

§ 655.107 Adverse effect rates.

(a) Except as provided in paragraph (b) of this section, the adverse effect rates for Guam shall be the prevailing rates for the occupations on Guam or, if the occupation is new to Guam, the prevailing rates for the most nearly comparable occupation on Guam.

(b) The following hourly adverse effect wage rates shall be paid to journeymen for jobs in the Guam construction industry. Trainees may be employed in Pay Levels III, IV, and V. Such trainees shall be paid at 80 percent of the journeyman wage rate for the first year and 90 percent for the second year. The construction adverse effect rates shall not be applicable to contracts which were executed prior to September 13, 1977. Nor shall the construction adverse effect rates be applicable to temporary labor certification applications involving job opportunities which are financed by federal loans or grants under which money was obligated for a specific construction project prior to September 13, 1977. The rates applicable to such a contract, loan, or grant (including any subcontracts entered into thereunder either before or after September 13, 1977) shall be those which

were applicable under the temporary labor certification process at the time of the execution of the contract, loan, or grant.

| | | |
|---|---|---|
| (1) | Pay Level I: | |
| | (i) September 13, 1977---------- | $3.00 |
| | (ii) March 1, 1978---------- | 3.65 |
| | (iii) September 1, 1978---------- | 4.30 |
| | (iv) March 1, 1979---------- | 5.00 |
| (2) | Pay Level II: | |
| | (i) September 13, 1977---------- | 3.25 |
| | (ii) March 1, 1978---------- | 4.00 |
| | (iii) September 1, 1978---------- | 4.75 |
| | (iv) March 1, 1979---------- | 5.50 |
| (3) | Pay Level III: | |
| | (i) September 13, 1977---------- | 3.75 |
| | (ii) March 1, 1978---------- | 4.50 |
| | (iii) September 1, 1978---------- | 5.25 |
| | (iv) March 1, 1979---------- | 6.00 |
| (4) | Pay Level IV: | |
| | (i) September 13, 1977---------- | 4.00 |
| | (ii) March 1, 1978---------- | 4.90 |
| | (iii) September 1, 1978---------- | 5.80 |
| | (iv) March 1, 1979---------- | 6.75 |
| (5) | Pay Level V: | |
| | (i) September 13, 1977---------- | 4.25 |
| | (ii) March 1, 1978---------- | 5.15 |
| | (iii) September 1, 1978---------- | 6.05 |
| | (iv) March 1, 1979---------- | 7.00 |

(c) Starting September 1, 1979, and thereafter the construction rates will be based upon the then current Wage Board rates.

(d) Pay Level I.--The principal occupations included here are Laborers and Unskilled Workers: Includes all other laborers and unskilled workers involved in the performance of simple duties that may be learned within a short period of time and that require the exercise of little or no independent judgment. Characteristically, such occupations do not require previous experience,

although a familiarity with the occupational environment may be necessary or very desirable. The occupations in this group vary from those involving a minimum of physical exertion to those characterized by heavy physical work. Pay Level I shall include occupations such as:

(1) Hod carriers;
(2) Pile drivers; and
(3) All other laborer and unskilled worker occupations.

(e) Pay Level II.--The principal occupations included here are Helpers, Skilled Trades: Includes all helpers who assist one or more workers in the skilled trades, by performing a variety of duties, such as furnishing another worker with materials, tools, and supplies; cleaning work area, machines, and equipment; feeding of offbearing machines; holding materials or tools; and performing other routine duties. Pay Level II shall include occupations such as:

(1) Oilers, such as greaser and oilers, lubricators, and machine hostlers;
(2) Tile setter helpers;
(3) Cement mason helpers;
(4) Asphalt heater tenders;
(5) Asphalt mixing machine tenders;
(6) Asphalt rakers, including black top rakers;
(7) Finegraders, including slopers, etc.;
(8) Carpenter helpers;
(9) Floor sanding machine operators, including floor sanders, floor scrapers, floor finishers, etc.;
(10) Electrician helpers;
(11) Painter helpers;
(12) Paperhanger helpers;
(13) Plasterer helpers;
(14) Plumber and/or pipefitter helpers;
(15) Roofer helpers;
(16) Stone mason helpers;
(17) Terrazzo worker helpers; and
(18) All other helpers in the skilled trades such as driller helpers and stucco mason helpers.

(f) Pay Level III.--The principal occupations included here are Operatives and Semiskilled Workers: Includes all operatives and semiskilled workers in occupations that are characterized by one, or a combination of the following requirements: The exercise of manipulative ability of a high order but limited to a fairly well-defined work routine; major reliance, not so much upon the worker's judgment or dexterity, but upon vigilance and alertness, in situations in which lapses in performance would cause extensive damage to product or equipment, and the exercise of independent judgment to meet variables in the work situation, which is not based on wide knowledge of work field and with the nature and extent of the judgments limited either by application over a relatively narrow task situation; or by having important decisions made by others. These occupations may require the performance of part of a craft or skilled occupation, but usually to a relatively limited extent. Occupations are considered semiskilled if the specific vocational preparation required to perform them involves training or other preparation of more than 30 days up to and including two years. Pay Level III shall include occupations such as:

(1) Chain surveyor helpers, rod surveyor helpers, and/or triangulation light-keepers, including surveyor assistants, surveyor helpers, etc.;

(2) Automotive mechanics, including truck mechanics, industrial truck mechanics, etc., but excluding diesel mechanics and engineering equipment mechanics;

(3) Maintenance mechanics, but excluding millwrights;

(4) General utility maintenance workers;

(5) Truck operators, including concrete mixing truck drivers, dump truck drivers, etc. (but excluding delivery and route drivers) and industrial truck drivers, including fork lift operators, etc.;

(6) Concrete mixer operators, including batching and mixing plant operators, mixing machine operators, etc.;
(7) Concrete rubbers, including cement patchers, cement rubbers, concrete polishers, etc.;
(8) Concrete wall grinder operators, including concrete grinder operators, etc.;
(9) Dredge dipper tenders, including bucket operators, etc.;
(10) Dredge pipe installers;
(11) Dope pourers, masticers, etc., but excluding pipe paperhangers;
(12) Pipelaying fitters, including spacers, etc.;
(13) Pipecleaning and priming machine operators;
(14) Air hammer operators, including airbreaker operators, air gun operators, air tool operators, etc.;
(15) Asphalt plant drier operators;
(16) Asphalt plant operators;
(17) Construction blasters, including chargers, firers, powder workers, shooters, shot firers, etc.;
(18) Hook and chainers;
(19) Fence erectors, including ironworkers, wirefence erectors, wirefence builders, etc.;
(20) Form tamper operators and/or tamping machine operators, including road form tamping machine operators, etc.;
(21) Metal road form setters, including metal road form fitters, etc.;
(22) Reinforcing iron workers, including iron workers, reinforcing bar setters, reinforcing steel erectors, reinforcing rod tiers, etc.;
(23) Metal fabricators, including structural metal fabricators, etc., but excluding sheet metal workers;
(24) Structural steel workers, including bridgers, iron erectors, steel erectors, structural steel erectors, etc.;
(25) Millwrights, including machine erectors, etc., but excluding maintenance mechanics;

(xx) Rock drill operators;
(xxi) Scraper operators;
(xxii) Sheet-pile-hammer operators;
(xxiii) Shield runners;
(xxiv) Subgrader operators;
(xxv) Sweeper operators;
(xxvi) Tower-excavator operators;
(xxvii) Trench-digging machine operators;
(xxviii) Utility tractor operators;
(xxix) Cable tool well-drill operators;
(xxx) Rotary drill well-drill operators;
(xxxi) Well-reactivator operators;

## § 655.108 Temporary labor certification applications involving fraud or willful misrepresentation.

(a) If possible fraud or willful misrepresentation involving a temporary labor certification application is discovered prior to a final temporary labor certification determination, or if it is learned that an application is the subject of a criminal indictment or information filed in a Court, the Certifying Officer shall refer the matter to the INS for investigation and shall notify the applicant in writing of this referral. The Certifying Officer shall continue to process the application and may issue a qualified temporary labor certification.

(b) If a Court finds an applicant innocent of fraud or willfull misrepresentation, or if the Department of Justice decides not to prosecute an applicant, the Certifying Officer shall not deny the temporary labor certification application on the grounds of fraud or willful misrepresentation. The application, of course, may be denied for other reasons pursuant to this subpart.

(c) If a Court or the INS determines that there was fraud or willful misrepresentation involving a temporary labor certification application, the application shall be deemed invalidated, processing

shall be terminated, and the application shall be returned to the applicant with the reason therefor stated in writing.

§ 655.109 Temporary labor certification related records.

Employers who have been granted temporary labor certifications shall maintain for at least three years all records, including payroll and other employment records, which are related to the employment of the non-immigrant alien workers. These records shall be made available by the Secretary or the Secretary's representatives.

§ 655.110 Nature of employment service job orders.

In view of the statutorily established basic function of the employment service as a no-fee labor exchange, that is, as a forum for bringing together employers and job seekers, neither the Department of Labor nor the Guam employment service are guarantors of the accuracy or truthfulness of information contained on job orders submitted by employers. Nor do such job orders represent an "offer to contract" to which the employment service and the Department of Labor are in any way a party.

classification may be included in the application without additional fee. Extensions granted to members of a family group shall be for the same period; if one member is eligible for only a six-month extension and another for a twelve-month extension, the shorter period shall govern. If failure to file a timely application is found to be excusable, an extension of stay may be granted but it shall date from the time of expiration of the previously authorized stay. When because of conditions beyond his/her control or other special circumstances, a nonimmigrant needs an additional period of less than thirty days beyond the previously authorized stay within which to effect departure, such time may be granted without the filing of a formal application. For procedures on cancellation and breaching of bonds, see Part 103 of this chapter.

(d) Termination of status. Within the period of initial admission or extension of stay, the nonimmigrant status of an alien shall be terminated by the revocation of a waiver previously authorized in his behalf under section 212(d)(3) or (4) of the Act; or by the introduction of a private bill to confer permanent resident status on such alien.

(e) Employment. A nonimmigrant in the United States in a class defined in section 101(a)(15)(B) of the Act as a temporary visitor for pleasure, or section 101(a)(15)(C) of the Act as an alien in transit through this country, may not engage in any employment. Any other nonimmigrant in the United States may not engage in any employment unless he has been accorded a nonimmigrant classification which authorizes employment or he has been granted permission to engage in employment in accordance with the provisions of this chapter. A nonimmigrant who is permitted to engage in employment may engage only in such employment as has been authorized. Any unauthorized employment by a nonimmigrant consitutes a failure to maintain status within the meaning of section 241(a)(9) of the Act.

(f) False information. A condition of a nonimmigrant's admission and continued stay in the United States is the full and truthful disclosure of all information requested by the Service. Willful failure by a nonimmigrant to provide full and truthful information requested by the Service (regardless of whether or not the information requested was material) constitutes a failure to maintain nonimmigrant status under section 241(a)(9) of the Act.

(g) Criminal activity. A condition of a nonimmigrant's admission and continued stay in the United States is obedience to all laws of United States jurisdictions which prohibit the commission of crimes of violence and for which a sentence of more than one year imprisonment may be imposed. A nonimmigrant's conviction in a jurisdiction in the United States for a crime of violence for which a sentence of more than one year imprisonment may be imposed (regardless of whether such sentence is in fact imposed) constitutes a failure to maintain status under section 241(a)(9) of the Act.

§ 214.2 Special requirements for admission, extension, and maintenance of status. The general requirements in § 214.1 are modified for the following nonimmigrant classes:

(a) Foreign government officials.--(1) General. The determination by a consular officer prior to admission and the recognition by the Secretary of State subsequent to admission shall prima facie establish the classification of a nonimmigrant defined in section 101(a)(15)(A) of the Act. An alien who has a nonimmigrant status under section 101(a)(15)(A)(i) or (ii) of the Act shall be admitted for the duration of the period for which he continues to be recognized by the Secretary of State as being entitled to such status. An alien who has a nonimmigrant status under section 101(a)(15)(A)(iii) of the Act shall be admitted for an initial period not exceeding one year, and may be granted extensions of temporary stay in increments of not more than one year. An application for extension of temporary stay by an alien who has a nonimmigrant status under section 101(a)(15)(A)(iii) shall be accompanied by a written statement from the official by whom the applicant is employed describing the current and intended employment of the applicant.

(2) Employment. The spouse, unmarried dependent son or unmarried dependent daughter habitually residing with a foreign government official classified as a nonimmigrant under section 101(a)(15)(A)(i) or (ii) of the Act as an officer or employee assigned to a diplomatic or consular office in the United States may be granted permission to accept or continue employment in the United States if an application to do so has first been favorably recommended by an uuthorized representative of the Department of State and approved by the District Director of the Service as indicated below. To apply, the spouse or unmarried dependent son or unmarried dependent daughter shall first submit Form I-566 to the Office of Protocol of the Department of State for transmission to the Visa Office. The form shall be accompanied by a certification by the diplomatic mission of the Government employing the principal alien that the applicant is the spouse or unmar-

ried dependent son or unmarried dependent daughter of an official of that Government whose assignment is expected to last more than six months. The applicant shall also submit with the application a statement from the prospective employer describing the position and salary offered, the duties of the position and verification that the applicant possesses the necessary qualifications for the position. The application may be approved if both the authorized representative of the Department of State and the District Director of this Service at Washington, DC are satisfied that: (i) both the principal alien and the applicant desiring employment are maintaining A-1 or A-2 status; (ii) the proposed employment is not in an occupation listed in the Department of Labor Schedule B (20 CFR 656) or otherwise determined by the Department of Labor to be one for which there is an oversupply of qualified U.S. workers in the area of proposed employment, except in the case of the employment of an unmarried dependent son or unmarried dependent daughter in A-1 or A-2 status who is a full-time student, if the employment is part-time, consisting of not more than 20 hours per week and/or if it is temporary employment of not more than 12 weeks at a time during school holiday periods; Provided, That if an A-1 or A-2 alien was authorized to accept full-time employment in a Schedule B occupation prior to the effective date of this regulation he/she may continue in that employment for a period of 2 years following the effective date of this regulation; (iii) employment of a similar nature for family members of United States Government officials assigned to a diplomatic or consular office in the country employing the principal alien is not prohibited by the host country government; and (iv) the proposed employment would not be contrary to the interests of the United States. Employment of A-1 or A-2 aliens who have criminal records, or who have violated the immigration and nationality laws or regulations or who worked illegally or who cannot establish that they paid taxes on income from previous U.S. employment may be considered contrary to

the interests of the United States. However, an A-1 or A-2 alien who is working without authorization on the effective date of this regulation must apply for authority to continue that work within 90 days of the effective date of this regulation. He/she must comply with the terms of this regulation in all respects except for the provision relating to illegal employment, and the fact of such illegal employment will not be construed against him/her in considering that application for employment. Permission to accept employment may not be granted to A-1 or A-2 spouses, unmarried dependent sons or unmarried dependent daughters if the principal alien will be stationed in this country for a definite period of six months or less. Permission to accept or continue employment under this section shall be granted in increments of not more than two years each. There shall be no appeal from a denial of permission to accept or continue employment under this section. The Service will inform the A-1 or A-2 applicant by letter whether the application has been granted or denied and if denied, of the reasons therefor. When an application is approved, the Service shall inform the Internal Revenue Service and Department of Labor. A family member of a principal alien classified A-3 may not be employed in the United States under these regulations.

(b) Visitors. The classification of visitors in the Act has been subdivided for visa, admission, and extension purposes into visitors for business (B-1) and visitors for pleasure (B-2). A B-1 or B-2 visitor may be admitted for an initial period of not more than one year and may be granted extensions of temporary stay in increments of not more than six months.

(c) Transits--(1) Without visas. An applicant for admission under the transit without visa privilege must establish that he is admissible under the immigration laws; that he has confirmed and onward reservations to at least the next country beyond the United States, and that he will continue his journey on the same line or a connecting line within 8 hours after his arrival; however, if there is not scheduled transportation within that 8-hour period, continuation of the journey thereafter on the first available transport will be satisfactory. Transfers from the equipment on which an applicant arrives to other equipment of the same or a connecting line shall be limited to 2 in number, with the last transport departing foreign (but not necessarily nonstop foreign), and the total period of waiting time for connecting transportation shall not exceed 8 hours except as provided above. Notwithstanding the foregoing, an applicant, if seeking to join a vessel in the United States as a crewman, shall be in possession of a valid "D" visa and a letter from the owner or agent of the vessel he seeks to join, shall proceed directly to the vessel

decision, unless jurisdiction in the case is vested in the regional commissioner under Part 103 of this chapter. A motion to reopen shall not be granted by a special inquiry officer unless he is satisfied that evidence sought to be offered is material and was not available and could not have been discovered or presented at the hearing.

214.5 Requirements for maintenance of status for nonimmigrant students from Iran. (a) An alien admitted as an F-1 or J-1 nonimmigrant student to attend a post-secondary school, including a vocational school, who is a native or citizen of Iran must report to the INS District Office or suboffice having jurisdiction over his or her school or to an INS representative on campus on or before December 31, 1979, and provide information as to residence and maintenance of nonimmigrant status. Each student must have in his or her possession at the time of reporting:

(1) passport and Form I-94;
(2) evidence from the school of enrollment and payment of fees or waiver of payment of fees for the current semester;
(3) a letter from the school authorities attesting to the course hours in which presently enrolled and the fact that the student is in good standing; and
(4) evidence of current address in the United States.

Students must provide such other information as the INS may request in order to verify maintenance of status and residence.

(b) Failure by a nonimmigrant student to comply with the provisions of subsection (a) or wilful provision of false information to the INS will be considered a violation of the conditions of the nonimmigrant's stay in the United States and will subject him or her to deportation proceedings under Section 241(a)(9) of the Act.

(c) A condition of the admission and continued stay in the United States of a nonimmigrant covered by subsection (a) is obedience to all laws of United States jurisdictions which prohibit the commission of crimes of violence and for which a sentence of more than one year imprisonment may be imposed. A nonimmigrant's conviction in a jurisdiction in the United States for a crime of violence for which a sentence of more than one year imprisonment may be imposed (regardless of whether such sentence is in fact imposed) constitutes a failure to maintain status under Section 241(a)(9) of the Act.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 212, 214, 66 Stat. 166, 182, 189; 8 U.S.C. 1101, 1182, 1184.)

(3) Nassau. Currently effective agreements on Form I-421 (Rev. 6-29-58) exist with the following transportation lines regarding arrivals in Nassau pursuant to section 238(a) of the Act:

British Overseas Airways Corporation
International Air Bahama

§ 238.3 Aliens in immediate and continuous transit--(a) Form I-426 agreements. A transportation line bringing aliens to the United States pursuant to § 212.1(e)(1) of this chapter shall enter into an agreement on Form I-426. Such agreements shall be negotiated directly by the Central Office and the head offices of the transportation lines.

(b) Signatory lines. Currently effective agreements on Form I-426 exist with the following:

Achille Lauro - Armatore, Naples, Italy
Aerlinte Eireann Teoranta (Irish Air Lines)
Aeroflot-Soviet Airlines
Aerolineas Argentinas
Aerolineas INI and CIA S.A.
Aerolineas Peruanas, S.A.
Aeronaves de Mexico, S.A.
AeroPeru (see, Empresa de Transporte Aereo del Peru)
Aerovias Condor de Colombia Ltda.
Aerovias Interamericanas de Panama, S.A. (Aerovias Panama Airways)
Aerovias Nacionales de Colombia (AVIANCA)
Aerovias Quisqueyana
Aerovias Venezolanas, S.A. (AVENSA)
Air B.V.I., Ltd.
Air Canada
Air India International Corporation
Air Jamaica (1968) Limited
Air Manila, Inc.
Air Micronesia, Inc.
Air Nauru
Air New Zealand Limited
Air Pacific, Inc.
Air Panama Internacional
Air Siam Air Company, Ltd.

Air West, Inc.
AirClub International, Inc.
"ALCIONE", Soc. de Navigazione p. A., Palermo
Alaska Airlines, Inc.
Alfred C. Toepfer Schiffahrtsgesellschaft M.B.H.
ALIA--The Royal Jordanian Airline
Allegheny Airlines, Inc.
All Islands Air Taxi, Inc.
ALM-Dutch Antillean Airlines
American Airlines, Inc.
American Banner Lines, Inc.
American Export Lines, Inc.
American Flyers Airline Corporation
American International Airways, Inc.
American President Lines, Ltd.
AREA, Aerovias Ecuatorianas C. Ltda.
"ARETUSA", Soc. di Navigazione p. A., Palermo
Argonaut Airways Corporation
Arosa Line, Inc., "Panama"
Athina Maritime Co., Ltd.
Atlantic Freighters, Ltd.
Atlantic Oil Carriers, Ltd.
Atlantic Tankers, Ltd.
Atlantis Airlines, Limited
AUA Austrian Airlines
Aviacion Y Comercio, S.A. (Aviaco Airlines)

Bahamas Airways Limited
BAHAMASAIR
Balair AG
Barber-Wilhelmsen Line, F.M.C. #7589 (Barber Steamship Lines, Inc., U.S.A. General Agents)
Blue Star Line, Inc., The
Braniff Airways, Inc.
Brazilian International Airlines (Real-Aerovias Brasil, S.A.)
Britannia Airways Limited
British Airways (British Airways Board)
British Caledonian Airways Limited
British Car Carriers Ltd., and Nerdrum Lines
British Midland Airways, Ltd.
British West Indian Airways
Brodin Line

Pacific Australia Direct Line
Pacific Far East Line, Inc.
Pacific Islands Transport Line A/S THOR DAHL
Pacific Micronesian Line, Inc.
Pacific Ocean Line
Pacific Shipowners, Ltd., Suva, Fiji
Pacific Steam Navigation Company
Pacific Western Airlines Ltd.
Pakistan International Airlines Corporation
Pan American World Airways, Inc.
Panoceanic Tanker Line, Ltd.
Peninsular & Occidental Steamship Co.
Peninsular & Oriental Steam Navigation Company
Penn Central Company, The
Philippine Air Lines
Piedmont Aviation, Inc.
"POLINNIA" Soc. di Navigazione p. A., Palermo
POMAIR N.V.
President Airlines, Incorporated
Puerto Rico International Airlines, Inc.

Qantas Empire Airways Limited

REAL S/A - Transportes Aeroes
Red Carpet Airlines, Inc.
Rederiaktiebolaget Nordstjernan (Johnson Line), Stockholm
Republic Airlines, Inc.
Riddle Airlines, Inc.
Royal Air Maroc
Royal Mail Lines, Limited
Royal Netherlands Steamship Co.
Royal Rotterdam Lloyd

Sabena Belgian Air Line
Sahsa Honduras Airlines
Saturn Airways, Inc.
Scandinavian Airlines System, Inc.
Scindia Steam Navigation Co., Ltd.
Seven Seas Airlines, Inc.
Shawnee Airlines, Inc.

Shinwa Kaiun Kaisha, Ltd.
Showa Shipping Co., Ltd.
Sicula Oceanica, S.A. (SIOSA Lines)
Singapore Airlines
Societa Italiana di Armanento "SIDARMA"
Societa Italiana Transporti Marittimi of Genoa, (Sitmar Lines)
South African Airways
South Pacific Air Lines
Southern Air Transport, Inc.
Southern Airways, Inc.
Spantax, S.A.
Standard Airways, Inc.
States Steamship Company
Sterling Airways A/S
SUEDFLUG, Sueddeutsche Fluggesellschaft mbH, Stuttgart
Swedish American Line
Swiss Air Transport Co., Ltd. (SWISSAIR)

TACA International Airlines, S.A.
Taiwan Navigation Co., Ltd.
Texas International Airlines, Inc.
Theofano Maritime Co., Ltd.
Toyo Yusen Co., Ltd.
Transair Limited - Winnipeg, Manitoba
Transatlantic Steamship Co., Ltd. (Rederiak-tiebolaget Transatlantic)
Transavia Holland N.V.
Trans Caribbean Airways, Inc.
Transcontinental S.A. de Transportes C. El.
Transglobe Airways Ltd.
Trans International Airlines, Corporation
Trans Meridian Flying Services Ltd.
Transocean Airlines
Transportation Corporation of America (Trans Caribbean Airways)
Transportes Aereos Nacionales, S.A. (TAN Airlines)
Transportes Aereos Portugueses S.A.R.L.
Trans World Airlines, Inc.
Trent Maritime Co., Ltd.
Triton Shipping, Inc.
Twentieth Century Airlines

Union de Transports Aeriens - U.T.A.
United Airlines, Inc.
United Philippine Line
United States Lines, Inc.
United States Overseas Airlines, Inc.
United White Shipping Co., Ltd.
Universal Airlines, Inc.

V[illegible] S. A. (Brasilian Airlines)
Venezuelan International Airlines, Inc.

Western Airlines
Westfal Larsen Line
White Star Maritime Co., Ltd.
Wien Consolidated Airlines, Inc.
Winchester, J. H., & Co., as agents for Costa Line
Windward Islands Airways International
World Airways, Inc.

Yamashita Steamship Co., Ltd.
Ybarra & Co., Inc.

Zim Israel Navigation Co., Ltd.

§ 238.4 Preinspection outside the United States. The following transportation lines have entered into agreements on Form I-425 for the preinspection of their passengers and crews at places outside the United States:

At Bermuda

Air Venturers of Houston, Inc.
American Airlines, Inc. (Charter Flights only)
American Flyers Airline Corp.
Braniff Airways, Incorporated
British Airways (British Airways Board)
Capitol Airways, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
Flying Tiger Line Inc., The

**Furness, Withy and Co., Ltd.**
**Guest Aerovias Mexico, S.A.**
**Northeast Airlines, Inc.**
**Pan American World Airways, Inc.**
**Saturn Airways**
**Standard Airways, Inc.**
**Swedish American Line Agency, Inc.**
**Trans International Airlines**
**Trans World Airlines, Inc.**
**United Air Lines**
**World Airways, Inc.**

At Calgary

Air Canada
Hughes Air West
Western Airlines Inc.

At Freeport

Bahamas Air Holdings Ltd.
Delta Air Lines Inc.
Eastern Air Lines Inc.

At Montreal

Air Canada
Air France
Allegheny Airlines, Inc.
American Airlines, Inc.
American Flyers Airline Corp.
British Airways (British Airways Board)
Canadian Pacific Airlines, Limited
Capitol Airways, Inc.
Delta Air Lines, Inc.
Deutsche Lufthansa Aktiengesellschaft (Lufthansa German Airlines)
Eagle Airways (Bermuda) Ltd.
Eastern Air Lines, Inc.
Eastern Provincial Airways (1963) Limited.
Great Lakes Airlines Limited
McCulloch International Airlines

Nordair Ltee - Nordair Ltd.
Northeast Airline, Inc.
Ozark Air Lines, Inc.
Pan American World Airways, Inc.
Quebecair
Saturn Airways, Inc.
Transair Limited
Trans World Airlines, Inc.
United Air Lines, Inc.
Wardair Canada Ltd.
Western Skyways, Inc.
World Airways Incorporated
World Wide Airways Incorporated
Wright Air Lines, Inc.

At Nassau

Air Canada
Air Venturers of Houston, Inc.
Allegheny Airlines, Inc.
American Flyers Airline Corp.
Bahamas Airways Ltd.
Bahamasair Holdings Limited
British Airways (British Airways Board)
Capitol Airways, Inc.
Eagle Airways (Bermuda) Ltd.
Eastern Air Lines
Executive Jet Aviation, Inc.
Flying Tiger Line Inc., The
Great Lakes Airlines Limited
International Air Bahama, Ltd.
Mackey International Airlines
McCormick Shipping Corporation, Eastern Shipping Corporation Agents
Modern Air Transport, Inc.
National Airlines, Incorporated
Pan American World Airways, Inc.
Trans Caribbean Airways, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
World Airways, Inc.

At Vancouver

Air Canada
American Airlines, Inc.
American Flyers Airline Corp.
British Airways (British Airways Board)
Canadian Pacific Air Lines, Limited
Great Northern Airways, Limited
Holland America Cruises
International Jet Air, Ltd.
Monarch Cruise Lines, Inc.
Nomads, Inc.
P & O Lines (North America) Inc.
Pacific Western Airlines, Ltd.
Standard Airways, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
Universal Airlines, Inc.
Western Airlines, Inc.
World Airways Incorporated

At Victoria

Airwest Canada
Black Ball Transport, Inc.
British Columbia Coast Steamship Service
British Columbia Steamship Company (1975) Ltd.
Canadian Pacific Railway Company
Northwest Hydrofoil Lines, Inc.
Yarmouth Cruises, Inc.

§ 274.9 Requirements as to claim and bond. (a) The bond shall be rendered to the United States, with sureties to be approved by the custodian, conditioned that in case of condemnation of the conveyance the obligor shall pay all costs and expenses of the proceedings to obtain such condemnation. If a person certifies under oath that he is unable to pay the $250 bond to obtain a judicial determination of forfeiture, the regional commissioner may waive the bond requirement. When the claim and bond are received by the custodian, he shall, after finding the documents in proper form and the surety satisfactory, immediately transmit the documents, together with a description of the conveyance and a complete statement of the facts and circumstances surrounding the seizure, to the United States Attorney for the judicial district in which the seizure was made for the purpose of proceeding to a condemnation of the conveyance in the manner prescribed by law. If the documents are not in satisfactory condition when first received, the person claiming the conveyance and furnishing the bond shall be advised by letter as to the inadequacy of the documents and advised that he has 20 days from the date of the letter to correct the documents. If correction is not made within the time allowed, the documents may be treated as of no effect and the case shall proceed as though they had not been tendered.

(b) The filing of the claim and the posting of the bond does not entitle the claimant to possession of the conveyance. However, it does stop the summary forfeiture proceedings. The bond posted to cover costs may be in cash, certified check, or on Treasury Department Form 171 with satisfactory sureties. The costs and expenses secured by the bond are such as are incurred after the filing of the bond including storage costs, safeguarding, court fees, marshal's costs, etc.

§ 274.10 Summary forfeiture. If the appraised value does not exceed $10,000, and a claim and bond are not filed within the 20 days previously mentioned, the custodian may declare the conveyance forfeited. The custodian shall prepare the declaration of forfeiture and forward it to the Commissioner as notification of the action he has taken. Thereafter, the conveyance shall be retained in the custodian's region or delivered elsewhere for official use, or otherwise disposed of, in accordance with the official instructions received by the custodian.

§ 274.11 Judicial forfeiture. If the appraised value is greater than $10,000, or a claim and satisfactory bond have been received for a conveyance appraised at $10,000 or less, the custodian shall immediately transmit a description of the conveyance and a complete statement of the facts and circumstances surrounding the seizure to the U.S. Attorney for the judicial district in which the seizure was made for the purpose of instituting condemnation proceedings. The U.S. Attorney shall also be furnished the newspaper advertisement if such advertisement was required by § 274.8.

§ 274.12 Petitions for remission or mitigation of forfeiture. (a) Any person having a legal or equitable interest in any conveyance which has been seized, or forfeited either summarily or by court proceedings, may file a petition for remission or mitigation of the forfeiture. Such petition shall be filed in triplicate with the regional commissioner having jurisdiction over the judicial district in which the seizure occurred. The petition shall be addressed to the regional commissioner if the conveyance is subject to summary forfeiture pursuant to § 274.10, and addressed to the Attorney General if the conveyance

Free Europe, Inc. (Formerly Free Europe Committee, Inc.; National Committee for a Free Europe (including Radio Free Europe))
George Williams Hooper Foundation, San Francisco Medical Center, University of California, San Francisco, California
Gorgas Memorial Institute of Tropical and Preventative Medicine, Inc., and its operating unit, the Gorgas Memorial Laboratory
Graduate Faculty of Political and Social Science Division of the New School for Social Research, New York, N. Y.
Harvard Institute for International Development
Harvard-Yenching Institute
Humboldt State University, School of Natural Resources, Wildlife Management Department
Institute of International Education
Institute of International Studies, University of California, Berkeley, California
International Center for Social Research, Inc., New York, New York
International Development Foundation, Inc.
International Development Services, Inc.
International Research Associates, Inc.
Inter-University Program for Chinese Language Studies (formerly Stanford Center for Chinese Studies) in Taipei, Taiwan
Iran Foundation, Inc., The
Kossuth Foundation, Inc., The, New York, N. Y.
Louisiana State University
Massachusetts Institute of Technology
Michigan State University (Department of Zoology), East Lansing, Michigan
Natural Science Foundation, Philadelphia, Pa.
New York Zoological Society
Paderewski Foundation, Inc.
Peabody Museum of Natural History of Yale University
People to People Health Foundation, Inc., The (only in relationship to the scientific research activities that will be carried on abroad by the medical staff of the SS "Hope")
Pierce College (in relationship to research by an instructor, Department of Psychology), Athens, Greece

Population Council, The, New York, N. Y.
Radio Liberty Committee, Inc. (formerly American Committee for Liberation, Inc.; American Committee for Liberation of the Peoples of Russia, Inc.; American Committee for Liberation from Bolshevism, Inc.)
Rockefeller Foundation
School of International Relations of the University of Southern California
SIRIMAR (Societa Internazionale Recerche Marine) Division, Office of the Vice President for Research, Pennsylvania State University
Social Science Research Council
Stanford Electronic Laboratories, Dept. of Electrical Engineering, School of Engineering, Stanford University, Stanford, California
Stanford Research Institute, Memlo Park, Calif.
Stanford University (the George Vanderbilt Foundation), Stanford, California
Syracuse University
Tulane University Graduate School
Tulane University Medicial School
University of Alabama Medical Center
University of Chicago (as a participant in the International Cooperation Administration Program No. W-74 only)
University of Colorado (Department of History), Boulder, Colorado
University of Connecticut, College of Liberal Arts and Science (Department of Germanic and Slavic Languages)
University of Hawaii, Honolulu, Hawaii, 96822
University of Illinois at Urbana-Champaign, Austria-Illinois Exchange Program
University of Kansas, Office of International Programs
University of Michigan (School of Natural Resources), Ann Arbor, Michigan
University of Minnesota, Department of Plant Pathology (in relationship to research project abroad)
University of Nebraska Mission in Colombia, South America
University of North Carolina at Chapel Hill
University of Notre Dame, Notre Dame, Indiana
University of Puerto Rico

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CONTIN

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Washington, DC 20536

April 30, 1980

Regulations
Transmittal Memo No. 64

The attached pages:

| | | |
|---|---|---|
| 80.37-80.38 | 4901-4906 | 5923-5924 |
| 851-854.1 | 4907 | 6233-6234 |
| 2639-2640 | 4908-4909 | 6511-6512 |
| 4621 | 7601-7604 | |

contain the following noted regulatory amendments:

Effective: March 31, 1980 (published: 45 FR 13434, February 29, 1980):

8 CFR 100.4(c)(2) (p. 80.38, deletes Indus Minn. from the list of Class B ports in District No. 10--St. Paul Minn.)

Effective: March 21, 1980 (published: 45 FR 11113, February 20, 1980):

8 CFR 212.6(d) (p. 852 amends sub-section re voidance of nonresident alien border crossing cards)

Effective: January 16, 1980 (published: 45 FR 10312, February 15, 1980):

8 CFR 238.4 (p. 2639, "Worldways Airlines Limited" added to listing "At Montreal")

Effective: January 30, 1980 (published: 45 FR 6776, January 30, 1980:

8 CFR 282.1 (p. 4621, deletes list of forms and references § 299.3 for listing of forms)
8 CFR 299.1 (p. 4901-4906, additions and deletions to existing forms list)
8 CFR 299.2 (p. 4907, addition of new sub-par. (c) re gratis forms to voluntary agencies)
8 CFR 299.3 (p. 4908, revised list of forms available from the Superintendent of documents)
8 CFR 299.4 (pp. 4908-4909, revised section)
8 CFR 499.1 (pp. 7601-7604, additions to existing forms list and revision of form dates)

Effective: February 15, 1980 (published: 45 FR 10313, February 15, 1980):

8 CFR 334.16(a) (p. 5924, new second sentence added re payment of fee for this application)
8 CFR 336.16 (p. 6233, first sentence amended re submission of fee for this application)
8 CFR 341.1(a) (p. 6511, amended to include new language re submission of fee)
8 CFR 341.1(b) (p. 6511, amended to increase age from 16 to 18 years, and revise language re submission of fee)

David Crosland
Acting Commissioner

Enclosures

Class C

East Chicago, Ind.
Gary, Ind.
Michigan City, Ind.
Ashland, Wis.
Kenosha, Wis.
Manitowoc, Wis.
Marinette, Wis.
Racine, Wis.
Sheboygan, Wis.
Sturgeon Bay, Wis.

DISTRICT NO. 10--ST. PAUL, MINN.

Class A

* Baudette, Minn.
* Duluth, Minn. (the port of Duluth includes, among others, the port facilities of Superior, Wis.)
* Ely, Minn.
* Grand Portage, Minn.
* International Falls, Minn.
* Lancaster, Minn.
* Noyes, Minn.
* Pine Creek, Minn.
Ranier, Minn.
* Roseau, Minn.
* Warroad, Minn.
* Ambrose, N. Dak.
* Antler, N. Dak.
* Carbury, N. Dak.
* Dunseith, N. Dak.
* Fortuna, N. Dak.
* Hannah, N. Dak.
* Hansboro, N. Dak.
* Maida, N. Dak.
* Neche, N. Dak.
* Noonan, N. Dak.
* Northgate, N. Dak.
Pembina, N. Dak.
* Portal, N. Dak.
* St. John, N. Dak.
* Sarles, N. Dak.
* Sherwood, N. Dak.
* Walhalla, N. Dak.
* Westhope, N. Dak.

Class B

Crane Lake, Minn.
Oak Island, Minn.

Class C

Grand Marais, Minn.
Silver Bay, Minn.
Taconite Harbor, Minn.
Two Harbors, Minn.

DISTRICT NO. 12--SEATTLE, WASH.

Class A

* Aberdeen, Wash. (the port of Aberdeen includes, among others, the port facilities at South Bend and Raymond, Wash.)
* Anacortes, Wash.
* Bellingham, Wash.
* Blaine, Wash.
* Boundary, Wash.
* Danville, Wash.
Ferry, Wash.
Friday Harbor, Wash. (the port of Friday Harbor includes, among others, the port facilities at Roche Harbor, Wash.)
* Frontier, Wash.
* Laurier, Wash.
* Lynden, Wash.
* Metaline Falls, Wash.
Neah Bay, Wash.
Olympia, Wash.
* Oroville, Wash.
* Point Roberts, Wash.
* Port Angeles, Wash.
Port Townsend, Wash.
Seattle, Wash. (the port of Seattle includes, among others, the port facilities at Bangor, Blake Island, Bremerton, Eagle Harbor, Edmonds, Everett, Holmes Harbor, Houghton, Kenny-

of entry for a period of more than 15 days, or to proceed to an area in the United States other than Texas, New Mexico, Arizona, or California, shall, if admitted, be issued Form I-94. The rightful holder of a Form I-186 seeking entry to the United States from contiguous territory at other than a Mexican border port of entry shall, if admitted, be issued a Form I-94. For the purpose of this chapter, the immediate border area is defined as the area of the United States within a distance of 25 miles from the Mexican border. When applying for admission from a country other than Mexico or Canada, or from Canada if he has been in a country other than the United States or Canada since leaving Mexico, the rightful holder of a valid Form I-186 seeking entry as a visitor for business or pleasure must, in addition, present a valid passport and, if admitted, he shall be issued Form I-94.

(b) Application. A citizen of Canada or a British subject residing in Canada shall apply on Form I-175 for a nonresident alien border crossing card, supporting his application with evidence of Canadian or British citizenship, residence in Canada, and two photographs, size 1 1/2" x 1 1/2". Form I-175 shall be submitted to an immigration officer at a Canadian border port of entry. A citizen of Mexico shall apply on Form I-190 for a nonresident alien border crossing card, supporting his application with evidence of Mexican citizenship and residence, a valid unexpired passport or a valid Mexican Form 13, and one photograph, size 1 1/2" x 1 1/2". Form I-190 shall be submitted to an immigration officer at a Mexican border port of entry or to an American consular officer in Mexico, other than one assigned to a consulate situated adjacent to the border between Mexico and the United States. If the application is made to an American consular officer, Form FS-257 may be used in lieu of Form I-190. Each applicant under this paragraph, except a child under 14 years of age, shall appear in person before an immigration officer or a consular officer prior to the adjudication of his application and be interrogated concerning his eligibility for a nonres-

ident alien border crossing card. If the applicant is a child under 14 years of age who seeks to commute daily to attend school in the United States, the child must appear with his parent or legal guardian for the required interview. If the application is denied the applicant shall be given a notice of denial with the reasons therefor on Form I-180. There shall be no appeal from such denial but such denial shall be without prejudice to a subsequent application for a visa or for admission to the United States.

(c) Validity. Notwithstanding any expiration date which may appear thereon, Forms I-185 and I-186 are valid until revoked or voided.

(d) Voidance--(1) At port of entry. Forms I-185 and I-186 may be declared void by a supervisory immigration officer at a port of entry. If the card is declared void, the applicant shall be advised in writing that he may request a hearing before an immigration judge to determine his admissibility, in accordance with Part 236 of this Chapter and may be represented at this hearing by an attorney of his own choice at no expense to the Government. He shall also be advised of the availability of free legal services programs qualified under Part 292a of this Chapter and organizations recognized under § 292.2 of this Chapter, located in the district where the exclusion hearing is to be held. If the applicant requests a hearing, Forms I-185 and I-186 shall be held at the port of entry for presentation to the immigration judge. If the applicant chooses not to have a hearing, the card shall be voided. The alien to whom the form was issued shall be notified of the action taken and the reasons therefor by means of Form I-180 delivered in person or, if such action is not possible, by mailing the Form I-180 to the address shown on the nonresident alien border crossing card.

(2) Within the United States. If the holder of a Form I-185 or I-186 is placed under deportation proceedings, no action to void the card shall be taken pending the outcome of the hearing. If the

alien is ordered deported or granted voluntary departure, the card shall be voided by an immigration officer. In the case of an alien holder of a Form I-185 or I-186 who is granted voluntary departure without a hearing, the card may be declared void by an immigration officer who is authorized to issue an Order to Show Cause or to grant voluntary departure.

(3) In Mexico or Canada. Forms I-185 or I-186 may be declared void by a consular officer in Mexico or Canada if the card was issued in one of those countries.

(4) Grounds. Grounds for voidance of a Form I-185 or I-186 shall be that the holder has violated the immigration laws; that he is inadmissible to the United States; or that he has abandoned his residence in the country upon which the card was granted.

(e) Replacement. If a nonresident alien border crossing card has been lost, mutilated, or destroyed, the person to whom such card was issued may apply for a new card in accordance with the provisions of this section. The holder of a Form I-185 or I-186 which is in poor condition because of improper lamination may be issued a new one without submitting a fee or application upon surrender of the original card.

(f) Previous removal or deportation; waiver of inadmissibility. Pursuant to the authority contained in section 212(d)(3) of the Act, the temporary admission of an alien who is inadmissible under paragraph (16) or (17) of section 212(a) of the Act is authorized if such alien is in possession of a Mexican Nonresident Alien Border Crossing Card and he establishes that he is otherwise admissible as a nonimmigrant visitor or student except for his removal or deportation prior to November 1, 1956, because of entry without inspection or lack of required documents.

§ 212.7 Waiver of certain grounds of excludability--(a) Section 212(h) or (i). An applicant for an immigrant visa who is excludable and seeks a waiver under section 212(h) or (i) of the Act shall file an application on Form I-601 at the consular office considering the application for a visa. Upon a determination by the consular office that the alien is admissible except for the grounds for which a waiver is sought, the Form I-601 is transmitted to the Service for decision. The applicant shall be notified of the decision and if the application is denied of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. An applicant may withdraw his application at any time prior to final decision, whereupon the case will be closed and the consulate notified. If he fails to prosecute his application within a reasonable time either before or after interview he shall be notified that if he fails to prosecute his application within 30 days his case will be closed subject to being reopened at his request. If no action has been taken within the 30-day period immediately thereafter, the case will be closed and the appropriate consul notified.

(b) Section 212(g) (tuberculosis and certain mental conditions). An alien who is an applicant for an immigrant visa and who, pursuant to section 212(g) of the Act, is seeking a waiver of his excludability under section 212(a)(1), (3), or (6) of the Act shall file (or if the alien is incompetent to do so, the family member specified in section 212(g) shall file) an application on Form I-601 at the consular office considering the application for a visa. An alien who is applying at a port of entry for admission to the United States, or who is outside the United States and is applying for conditional entry pursuant to section 203(a)(7) of the Act, or who is within the United States and is under any proceeding before the Service in which a

waiver pursuant to section 212(g) is required before it may be determined that he is not excludable under section 212(a)(1), (3), or (6) of the Act, may file an application with the Service office having jurisdiction over the port of entry or place where he is locate

(1) Section 21 )(6) (tuberculosis). If the alien is excludab.. under section 212(a)(6) of the Act because of tuberculosis, he shall execute statement A on the reverse of page 1 of Form I-601. In addition, he or his sponsor in the United States is responsible for having statement B executed by the physician or health facility which has agreed to supply treatment or observation; and, if required, statement C shall be executed by the appropriate local or state health officer.

Nordair Ltee - Nordair Ltd.
Northeast Airline, Inc.
Ozark Air Lines, Inc.
Pan American World Airways, Inc.
Quebecair
Saturn Airways, Inc.
Transair Limited
Trans World Airlines, Inc.
United Air Lines, Inc.
Wardair Canada Ltd.
Western Skyways, Inc.
World Airways Incorporated
Worldways Airlines Limited
World Wide Airways Incorporated
Wright Air Lines, Inc.

At Nassau

Air Canada
Air Venturers of Houston, Inc.
Allegheny Airlines, Inc.
American Flyers Airline Corp.
Bahamas Airways Ltd.
Bahamasair Holdings Limited
British Airways (British Airways Board)
Capitol Airways, Inc.
Eagle Airways (Bermuda) Ltd.
Eastern Air Lines
Executive Jet Aviation, Inc.
Flying Tiger Line Inc., The
Great Lakes Airlines Limited
International Air Bahama, Ltd.
Mackey International Airlines
McCormick Shipping Corporation, Eastern Shipping Corporation Agents
Modern Air Transport, Inc.
National Airlines, Incorporated
Pan American World Airways, Inc.
Trans Caribbean Airways, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
World Airways, Inc.

At Vancouver

Air Canada
American Airlines, Inc.
American Flyers Airline Corp.
British Airways (British Airways Board)
Canadian Pacific Air Lines, Limited
Great Northern Airways, Limited
Holland America Cruises
International Jet Air, Ltd.
Monarch Cruise Lines, Inc.
Nomads, Inc.
P & O Lines (North America) Inc.
Pacific Western Airlines, Ltd.
Standard Airways, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
Universal Airlines, Inc.
Western Airlines, Inc.
World Airways Incorporated

At Victoria

Airwest Canada
Black Ball Transport, Inc.
British Columbia Coast Steamship Service
British Columbia Steamship Company (1975) Ltd.
Canadian Pacific Railway Company
Northwest Hydrofoil Lines, Inc.
Yarmouth Cruises, Inc.

# PART 282--FORMS FOR SALE TO PUBLIC

§ 282.1 Forms printed by the Public Printer. The Public Printer is authorized to print for sale to the public, the forms listed in § 299.3 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies sec. 282, 66 Stat. 231; 8 U.S.C. 1352.)

# PART 299--IMMIGRATION FORMS

§ 299.1 Prescribed forms. The forms listed below are hereby prescribed for use in compliance with the provisions of Subchapter A of this chapter and this Subchapter B. To the maximum extent feasible the forms used should bear the edition date shown or a subsequent edition date.

| Form No. | Title and description |
|---|---|
| AR-4 (8-30-72) | Alien Registration Fingerprint Chart. |
| AR-11 (3-21-79) | Alien's Change of Address Card. |
| CDC 4.417 (11-74) | (Formerly HSM-240 or PHS-124) Medical Certificate. |
| DSP-66 (6-75) | Certificate of Eligibility for Exchange Visitor Status. |
| FD-258 (4-25-72) | Applicant Card. |
| FS-398 (10-65) | Medical Examination of Visa Applicant. |
| G-27 (10-13-76) | Request for Recognition to Represent before the Board of Immigration Appeals and the Immigration and Naturalization Service. |
| G-28 (9-27-75) | Notice of Entry of Appearance as Attorney or Representative. |
| G-296 (9-12-58) | Report of Violation. |
| G-297 (5-28-70) | Order to Seize Aircraft. |
| G-298 (9-12-58) | Public Notice of Seizure. |
| G-325A (10-1-74) | Biographic information. |
| G-325C (5-1-79) | Biographic information. |
| G-639 (7-25-77) | Application for a Search of the Records of the Immigration and Naturalization Service Under the Freedom of Information Act (5 U.S.C. 552). |
| G-641 (8-2-78) | Application for Verification of Information from Immigration and Naturalization Records. |
| G-652 (2-1-78) | Affidavit of Identity. |
| G-657 (8-9-78) | Privacy Act Information Request. |
| G-658 (11-1-75) | Record of Information Disclosure (Privacy Act). |

| Form No. | Title and description |
|---|---|
| HSM-240 (4-69) | (Formerly PHS-124) Medical Certificate. |
| I-17 (8-6-76) | Petition for Approval of School for Attendance by Nonimmigrant Alien Students. |
| I-20AB (4-1-76) | Certificate of Eligibility (For Nonimmigrant "F-1" Student Status). |
| I-38 (7-25-77) | Decision of the Immigration Judge. |
| I-39 (9-22-78) | Decision of the Immigration Judge. |
| I-53 (1-1-80) | Alien Address Report. |
| I-67 (9-18-58) | Inspection Record (Hungarian Parolee). |
| I-68 (2-10-70) | Canadian Border Boat Landing Card. |
| I-79 (5-15-70) | Notice of Intention to Fine under Immigration and Nationality Act. |
| I-90 (5-31-78) | Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I-151. |
| I-92 (6-1-73) | Aircraft/Vessel Report. |
| I-94 (6-1-79) | Arrival-Departure Record. |
| I-95AB (9-1-64) | Crewman's Landing Permit. |
| I-99 (8-28-58) | Notice of Revocation and Penalty. |
| I-102 (2-15-76) | Application by Nonimmigrant Alien for Replacement of Arrival Document. |
| I-122 (5-4-79) | Notice to Applicant for Admission Detained for Hearing before Special Inquiry Officer. |
| I-126 (6-26-78) | Report of Status by Treaty Trader or Investor. |
| I-129B (2-25-76) | Petition to Classify Nonimmigrant as Temporary Worker or Trainee. |
| I-129F (9-29-78) | Petition to Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa. |
| I-130 (10-1-77) | Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa. |
| I-131 (4-1-76) | Application for Issuance or Extension of Permit to Reenter the United States. |
| I-134 ( 3-1-76) | Affidavit of Support. |
| I-138 (11-5-70) | Subpoena. |

| Form No. | Title and description |
|---|---|
| I-140 (3-1-78) | Petition to Classify Preference Status of Alien on Basis of Profession or Occupation. |
| I-141 (4-21-69) | Medical Certificate. |
| I-147 (1-26-56) | Notice of Temporary Exclusion from the United States. |
| I-151 (7-1-72) | Alien Registration Receipt Card. |
| I-171C (9-1-77) | Notice of Approval of Nonimmigrant Visa Petition or of Extension of Stay of H or L Alien. |
| I-174 (3-1-65) | Application for Crewman's Landing Permit. |
| I-175 (4-1-75) | Application for Nonresident Alien Canadian Border Crossing Card. |
| I-180 (9-1-71) | Notice of Voidance of Form I-186. |
| I-181 (4-1-77) | Memorandum of Creation of Record of Lawful Permanent Residence. |
| I-184 (4-1-58) | Alien Crewman Landing Permit and Identification Card. |
| I-185 (1-1-75) | Nonresident Alien Canadian Border Crossing Card. |
| I-186 (6-1-72) | Nonresident Alien Mexican Border Crossing Card. |
| I-190 (3-1-75) | Application for Nonresident Alien Mexican Border Crossing Card. |
| I-191 (2-26-76) | Application for Advance Permission to Return to Unrelinquished Domicile. |
| I-192 (2-25-76) | Application for Advance Permission to Enter as Nonimmigrant. |
| I-193 (3-23-76) | Application for Waiver of Passport and/or Visa. |
| I-196 (9-9-78) | Application for U. S. Citizen Identification Card. |
| I-197 (5-1-76) | U. S. Citizen Identification Card. |
| I-202 (12-24-52) | Authorization for Removal. |
| I-212 (2-24-76) | Application for Permission to Reapply for Admission into the United States after Deportation or Removal. |
| I-221 (7-1-73) | Order to Show Cause and Notice of Hearing. |
| I-221S (8-1-77) | Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien. |

| Form No. | Title and description |
|---|---|
| I-243 (9-27-75) | Application for Removal. |
| I-246 (2-15-78) | Application for Stay of Deportation. |
| I-256A(12-7-77) | Application for Suspension of Deportation. |
| I-259 (10-1-69) | Notice to Detain, Deport, Remove or Present Aliens. |
| I-259A (2-12-55) | Agreement by Transportation Line to Assume Responsibility for Removal of Aliens. (One-time basis) |
| I-259B (4-1-70) | Agreement by Transportation Line to Assume Responsibility for Removal of Aliens. (Continuing basis) |
| I-260 (6-1-73) | Notice to Take Testimony of Witness. |
| I-284 (12-20-66) | Notice to Transportation Line Regarding Deportation and Detention Expenses of Detained Alien. |
| I-286 (4-1-79) | Notification to Alien of Conditions of Release or Detention. |
| I-287 (4-10-72) | Special Care and Attention for Alien. |
| I-288 (2-20-62) | Notice to Transportation Line Regarding Deportation Expenses of Alien Completely Ready for Deportation. |
| I-290A (4-1-76) | Notice of Appeal to the Board of Immigration Appeals. |
| I-290B (1-30-78) | Notice of Appeal to Regional Commissioner. |
| I-290C (9-30-66) | Notice of Certification. |
| I-292 (5-1-76) | Decision. |
| I-296 (3-15-76) | Notice to Alien Ordered Excluded by Immigration Judge. |
| I-305 (5-1-76) | Receipt of Immigration Officer--United States Bonds or Notes, or Cash, Accepted as Security on Immigration Bond. |
| I-310 (4-16-62) | Bond for Payment of Sums and Fines Imposed under Immigration and Nationality Act (Term or Single Entry). |
| I-312 (4-15-76) | Designation of Attorney in Fact. |
| I-323 (3-15-77) | Notice--Immigration Bond Breached. |

| Form No. | Title and description |
|---|---|
| I-328 | (6-5-74) Order on Motion to Reopen. |
| I-342 | (4-25-79) Determination of the Immigration Judge with Respect to Custody. |
| I-351 | (6-1-74) Bond Riders. |
| I-352 | (10-14-76) Immigration Bond. |
| I-356 | (9-27-75) Request for Cancellation of Public Charge Bond. |
| I-391 | (3-14-77) Notice--Immigration Bond Cancelled. |
| I-408 | (9-1-68) Application to Pay Off or Discharge Alien Crewman. |
| I-410 | (5-1-75) Receipt for Crew List. |
| I-418 | (7-1-74) Passenger List - Crew List. |
| I-420 | (3-15-67) Agreement (land-border) Between Transportation Line and United States. |
| I-421 | (6-29-58) Agreement (overseas) Between Transportation Line and United States. |
| I-425 | (3-24-77) Agreement for Preinspection at Places Outside United States. |
| I-426 | (5-1-65) Immediate and Continuous Transit Agreement Between a Transportation Line and the United States of America (special direct transit procedure). |
| I-485 | (5-1-79) Application for Status as Permanent Resident. |
| I-485A | (5-1-79) Application by Cuban Refugee for Permanent Residence. |
| I-485C | (8-9-78) Application for Creation of a Record of Lawful Admission for an Indochina Refugee. |
| I-486A | (11-10-76) Medical Examination and Immigration Interview. |
| I-506 | (9-12-77) Application for Change of Nonimmigrant Status. |
| I-508 | (9-27-75) Waiver of Rights, Privileges, Exemptions, and Immunities. |
| I-508F | (6-1-70) Waiver of Rights, Privileges, Exemptions, and Immunities (Under Sec. 247(b) of the Act and under the Convention between the United States of America and the French Republic with respect to Taxes on Income and Property). |

| Form No. | Title and description |
|---|---|
| I-509 (8-1-70) | Notice to Alien of Proposed Change from Lawfully Admitted for Permanent Residence to Nonimmigrant. |
| I-510 (7-24-67) | Guarantee of Payment. |
| I-512 (12-15-65) | Authorization for Parole or Conditional Entry of an Alien into the United States. |
| I-526 (10-7-76) | Request for Determination that Prospective Immigrant is an Investor. |
| I-538 (9-12-77) | Application by Nonimmigrant Student (F-1) for Extension of Stay, School Transfer or Permission to Accept or Continue Employment. |
| I-539 (9-12-77) | Application to Extend Time of Temporary Stay. |
| I-566 (9-21-79) | Application for Employment by a (G-4) Spouse or Unmarried Son or Daughter of an Official of an International Organization. |
| I-570 (4-1-76) | Application for Issuance or Extension of Refugee Travel Document. |
| I-571 (6-1-74) | Refugee Travel Document. |
| I-589 (9-1-74) | Request for Asylum in the United States. |
| I-590 (5-15-68) | Registration for Classification as Conditional Entrant. |
| I-590A (10-20-69) | Application for Classification as a Refugee under the Proviso to Section 203 (a)(7), Immigration and Nationality Act. |
| I-591 (9-27-75) | Assurance by a United States Sponsor in Behalf of an Applicant for Conditional Entry. |
| I-592 (12-1-65) | Declaration of Conditional Entrant at Time of Arrival. |
| I-600 (10-20-78) | Petition to Classify Orphan as an Immediate Relative. |
| I-601 (9-2-78) | Application for Waiver of Grounds of Excludability under Section 212(g), (h), or (i) of the Immigration and Nationality Act. |

| Form No. | Title and description |
|---|---|
| I-612 (9-5-78) | Application for Waiver of the Foreign Residence Requirement of Section 212 (e) of the Immigration and Nationality Act, as amended. |
| ICAO | International Civil Aviation Organization's General Declaration. |
| MA 7-50 (4-70) | Application for Alien Employment Certification. (Part I - Statement of Qualifications of Aliens (MA 7-50A)) (Part II - Job Offer for Alien Employment (MA 7-50B)) |
| SW-434 (7-1-73) | Mexican Border Visitors Permit. |
| 7507 (3-69) | Bureau of Customs' General Declaration. |

§ 299.2 Distribution of Service forms. The distribution of official Immigration and Naturalization applications, petitions and related forms is as follows: (a) Any officer or employee of the Service may issue official application or petition and related forms to the person for whose use the form is intended or to a person identified as a representative of the intended user in the quantity required for filing the application or petition and related forms.

(b) A small quantity, twenty-five (25) copies, may be issued to organizations and practitioners who make written request to the Regional Commissioner for the geographic location of the requester if such forms have not been made available for purchase from the Superintendent of Documents, Washington, D. C. 20402.

(c) Voluntary agencies (VOLAGS) participating in the Outreach Program of the Service who make written request to the Regional Commissioner for the geographic location of the requester may be furnished Service forms gratis in the volumes requested.

§ 299.3 Forms Available from the Superintendent of Documents. The immigration and naturalization forms indicated below may be obtained upon prepayment from the Superintendent of Documents, Washington, DC 20402.

| Form No. | GPO Stock No. (S/N) | Price per 100/pad |
|---|---|---|
| G-28 | S/N 027-002-00218-1 | $ 5.00/100 |
| G-325A | S/N 027-002-00170-2 | 7.25/100 |
| G-641 | S/N 027-002-00199-1 | 7.25/100 |
| I-20AB | S/N 027-002-00162-1 | 7.25/100 |
| I-90 | S/N 027-002-00023-8 | 5.50/100 |
| I-92 | S/N 027-002-00124-9 | 1.10/pad |
| I-94 | S/N 027-002-00226-1 | 4.25/100 |
| I-95AB | S/N 027-002-00081-1 | 3.75/100 |
| I-129B | S/N 027-002-00161-3 | 5.50/100 |
| I-129F | S/N 027-002-00201-6 | 5.50/100 |
| I-130 | S/N 027-002-00224-5 | 10.00/100 |
| I-131 | S/N 027-002-00222-9 | 10.00/100 |
| I-134 | S/N 027-002-00190-7 | 5.25/100 |
| I-140 | S/N 027-002-00223-7 | 8.00/100 |
| I-408 | S/N 027-002-00203-2 | 7.25/100 |
| I-418 | S/N 027-002-00142-7 | 3.50/pad |
| I-485 | S/N 027-002-00211-3 | 7.75/100 |
| I-506 | S/N 027-002-00174-5 | 7.25/100 |
| I-526 | S/N 027-002-00173-7 | 5.35/100 |
| I-538 | S/N 027-002-00220-2 | 10.00/100 |
| I-539 | S/N 027-002-00229-6 | 10.00/100 |
| I-570 | S/N 027-002-00228-8 | 9.25/100 |
| I-600 | S/N 027-002-00229-9 | 8.50/100 |
| N-300 | S/N 027-002-00217-2 | 5.50/100 |
| N-400 | S/N 027-002-00232-6 | 8.00/100 |
| N-402 | S/N 027-002-00205-9 | 8.25/100 |
| N-426 | S/N 027-002-00192-3 | 7.25/100 |
| N-600 | S/N 027-002-00223-4 | 8.75/100 |

Prices are set by the Superintendent of Documents, Government Printing Office, and are subject to change without notice.

A small supply of the above forms shall be set aside by immigration officers for free distribution and official use.

§ 299.4 Reproduction of forms by private parties. All forms required for compliance with the immigration and nationality regulations which have been made available for purchase by the Superintendent of Documents may be printed or otherwise reproduced by an appropriate duplicating process by private parties at their own expense. Forms printed or reproduced by private parties shall conform to the officially printed forms currently in use with respect to size, wording and language, arrangement, style and size of type, and paper specifications. Such forms shall be printed or otherwise duplicated in black ink or dye that will not fade or "feather" within 20 years.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

# PART 499--NATIONALITY FORMS

§ 499.1 Prescribed forms. The forms listed below are hereby prescribed for use in compliance with the provisions of this Subchapter C. To the maximum extent feasible the forms used should bear the edition date shown or a subsequent edition date.

| Form No. | Title and description |
|---|---|
| G-639 (7-25-77) | Application for a Search of the Records of the Immigration and Naturalization Service Under the Freedom of Information Act (5 U.S.C. 552). |
| G-641 (11-12-77) | Application for Verification of Information from Immigration and Naturalization Records. |
| G-652 (2-1-78) | Affidavit of Identity. |
| G-657 (8-9-78) | Privacy Act Information Request. |
| G-658 (11-1-75) | Record of Information Disclosure (Privacy Act). |
| I-138 (11-5-70) | Subpoena. |
| N-3 (2-24-78) | Requisition for Forms and Binders. |
| N-4 (2-1-71) | Monthly Report--Naturalization Papers Forwarded. |
| N-5 (12-24-52) | Continuation Sheet of Monthly Report --Naturalization Papers Forwarded. |
| N-7 (9-18-69) | Quarterly Abstract of Collections of Naturalization Fees. |
| N-12 (6-1-72) | Penalty Envelope (to be addressed to any office of Service). |
| N-13 (9-1-72) | Penalty Envelope (Large--to be addressed to any office of Service) |
| N-300 (9-27-75) | Application to File Declaration of Intention. |
| N-305 (3-15-79) | Form Letter Notifying Alien that Form N-300 has been Forwarded to the Clerk of the Court. |
| N-315 (2-1-71) | Declaration of Intention. |
| N-350 (9-27-75) | Application to Renounce Danish Citizenship. |
| N-351 (12-24-52) | Renunciation of Danish Citizenship. |
| N-400 (9-1-78) | Application to File Petition for Naturalization. |

| Form No. | Title and description |
|---|---|
| N-400A (8-1-68) | Supplement to Application to File Petition for Naturalization (under Sec. 324(a) or 327, Immigration and Nationality Act). |
| N-400B (1-1-66) | Supplement to Application to File Petition for Naturalization (by a seaman, under Sec. 330 of the Immigration and Nationality Act). |
| N-401 (9-27-75) | Preliminary Form to take Oath of Allegiance (by woman formerly a citizen, under Sec. 324(c) of the Immigration and Nationality Act, or the Act of June 25, 1936, as amended). |
| N-402 (11-27-78) | Application to File Petition for Naturalization in Behalf of a Child (under Sec. 322, Immigration and Nationality Act). |
| N-403 (12-24-52) | Request to have Petition for Naturalization marked "Void". |
| N-404 (8-1-65) | Request for Withdrawal of Petition for Naturalization. |
| N-405 (11-27-78) | Petition for Naturalization (under general provisions of the Immigration and Nationality Act). |
| N-407 (10-1-78) | Petition for Naturalization (in behalf of a child, under Sec. 322 or 323, Immigration and Nationality Act). |
| N-408 (4-5-79) | Application to take Oath of Allegiance and Form of such Oath (by a woman formerly a citizen, under Sec. 324(c), Immigration and Nationality Act, or the Act of June 25, 1936, as amended). |
| N-410 (1-1-63) | Motion for Amendment of Petition (application). |
| N-414 (12-15-44) | Acknowledgment of Filing Petition for Naturalization. |

| Form No. | Title and description |
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| N-414a (7-15-65) | Acknowledgment of Filing Petition for Naturalization and Index Card. |
| N-425 (6-1-70) | Notice to Petitioner of Proposed Recommendation of Denial of Petition for Naturalization. |
| N-426 (5-12-77) | Certification of Military or Naval Service. |
| N-440 (3-15-61) | Certificate of Examination. |
| N-445 (5-6-76) | Notice to Petitioner to Appear in Court for Final Hearing on Petition for Naturalization, and Questionnaire to be Submitted by Petitioner at the Final Hearing. |
| N-445B (9-27-75) | Notice to Petitioner to Appear in Court for Final Hearing on Petition for Naturalization Filed in Behalf of his Natural or Adopted Child, and Questionnaire to be Submitted by Petitioner at the Final Hearing. |
| N-451 (9-27-75) | Affidavits of Witnesses (to petition for naturalization). |
| N-455 (12-1-78) | Application for Transfer of Petition for Naturalization. |
| N-458 (9-27-75) | Application to Correct Certificate of Naturalization. |
| N-459 (12-15-58) | Authorization to Clerk of Court to Correct Certificate of Naturalization. |
| N-460 (6-1-65) | Notice to take Depositions. |
| N-462A (6-6-78) | Interrogatories in Depositions of Witnesses. |
| N-470 (3-30-79) | Application to Preserve Residence for Naturalization Purposes (under Sec. 316(b) or 317, Immigration and Nationality Act). |
| N-472 (4-28-72) | Approval of Application to Preserve Residence for Naturalization Purposes. |
| N-480 (2-5-68) | Naturalization Petitions Recommended to be Granted (and) Order of Court Granting Petitions for Naturalization. |
| N-481 (9-20-67) | Naturalization Petitions Recommended to be Granted. (Continuation Sheet) |

| Form No. | Title and description |
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| N-484 (2-5-68) | Naturalization Petitions Recommended to be Denied (and) Order of Court Denying Petitions for Naturalization. |
| N-485 (2-5-68) | Naturalization Petitions Recommended to be Granted (on behalf of children) (and) Order of Court Granting Petitions for Naturalization. |
| N-550 (12-1-69) | Certificate of Naturalization. |
| N-565 (6-19-78) | Application for a New Naturalization or Citizenship Paper. |
| N-568 (8-15-56) | Form Letter Stating Special Certificate of Naturalization has been Forwarded. |
| N-576 (9-27-75) | Supplemental Affidavit to be Submitted with Applications of Japanese Renunciants. |
| N-577 (4-1-76) | Application for a Special Certificate of Naturalization to Obtain Recognition as a Citizen of the United States by a Foreign State. |
| N-578 (10-3-62) | Special Certificate of Naturalization. |
| N-580 (9-27-75) | Application for a Certificate of Naturalization or Repatriation (under Sec. 343(a) of the Immigration and Nationality Act or 12th Subdivision, Sec. 4 of the Act of June 29, 1906). |
| N-600 (12-1-78) | Application for Certificate of Citizenship. |

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

sickness or other disability from appearing in the office of the clerk, may file the petition for naturalization at such other place as may be designated by the clerk of court or his authorized deputy. Except as otherwise provided in this subchapter, the petition shall be on Form N-405 and shall contain an averment that it is the intention of the petitioner to reside permanently in the United States. The petition shall be signed by the petitioner in the English language, if physically able to write, unless the petitioner on December 24, 1952, was over fifty years of age and had been living in the United States for at least twenty years, in which case the petitioner may sign his name in any language. When the petition has been so filed, the clerk shall furnish to the petitioner an acknowledgment of the filing of the petition on Form N-414 or Form N-414a. The petitioner shall pay the clerk of the naturalization court, at the time the petition is filed, a fee of $25, unless the petitioner is exempt therefrom under section 344(h) of the Immigration and Nationality Act or under section 3 of the Act of October 24, 1968, or has been granted a waiver of the fee under the provisions of § 103.7(c) of this chapter.

§ 334.14 Investigation and report if applicant is sick or disabled. Whenever it appears that an applicant for naturalization may be unable, because of sickness or other disability, to present himself in the office of the clerk of a naturalization court to file a petition for naturalization, the district director shall cause an investigation to be conducted to determine the circumstances, and shall report the condition of the applicant to the clerk of court for the purpose of aiding the court to determine whether the clerk of court shall designate another place to file a petition for naturalization. The report shall show whether the sickness or disability is of a nature which so incapacitates the applicant as to prevent him from appearing personally in the office of the clerk of court.

§ 334.15 Void petitions for naturalization. If a petition for naturalization filed with the clerk of court is materially defective on its face, it shall nevertheless remain a part of the records of the court and the duplicate thereof disposed of, and the fee accounted for, in accordance with the provisions of Part 339 of this chapter. The Service shall inform the petitioner of the defect and the desirability of having the petition marked "Void" in order that the fee may be refunded or credited to the filing of another petition. If the petitioner desires to have the defective petition submitted to the court for a judicial ruling in lieu of having it marked "Void," no refund of the fee shall be made. A request by the petitioner that his petition be marked "Void" shall be made on Form N-403, in duplicate, and submitted to the district director. If the request is approved by the district director the original shall be furnished the clerk of court for attachment to the petition and the clerk of court shall mark the petition "Void." The duplicate shall be retained in the field office file.

§ 334.16 Amendment of petition or application for naturalization--(a) During pendency of petition or application. An application to amend a petition or application for naturalization, while such application or petition is pending, shall be made by the petitioner or applicant on Form N-410, with copies thereof equal to the number of copies of the petition or application for naturalization, and presented to the court at the hearing on the petition or application for naturalization. The application shall be accompanied by the fee specified in § 103.7(b)(1) of this chapter, unless it was initiated by, and for the convenience of, the government. When the court orders the petition or application amended, the original order shall be filed with the original petition or application and the copies attached to the respective copies of the petition or application.

by the clerk of court to the appropriate field office of the Service for retention by such office. The same disposition shall be made of any list presented to, but not approved by, the court.

§ 336.14 Presentation of recommendations of designated examiner and the regional commissioner at final hearing. At the final hearing or prior thereto, in addition to the lists prepared under § 336.13, there shall be presented to the court and made a part of the record in the case, the memoranda of the designated examiner and the regional commissioner prepared pursuant to the provisions of Part 335 of this chapter.

§ 336.15 Final hearing; sickness or disability of petitioner; investigation. Whenever it appears that a petitioner for naturalization may be unable because of sickness or other disability, to appear in open court for final hearing upon his petition for naturalization, the district director shall cause an investigation to be conducted to determine the circumstances and shall report the condition of the petitioner to the clerk of court for the purpose of aiding the court to determine whether another place for the final hearing shall be designated. The report shall show whether the sickness or other disability is of a nature which so incapacitates the person as to prevent him from appearing in open court.

§ 336.16 Final hearing; waiver of 30-day period. A request to the district director to waive the 30-day period following the filing of the petition referred to in section 336(c) of the Immigration and Nationality Act shall be made by the petitioner on Form N-336, accompanied by the fee specified in § 103.7(b)(1) of this chapter. The waiver request shall set forth all the facts and circumstances which the petitioner believes will be in the public interest. Such request may be made at any

time after an application to file a petition for naturalization has been filed with the Service. The district director shall cause a full and complete investigation to be conducted and if such investigation satisfactorily establishes that such waiver will be in the public interest, he may, in his discretion, grant the waiver.

§ 336.16a Final hearing; execution of questionnaire. Immediately prior to the commencement of the final hearing, each person filing a petition for naturalization in his own behalf shall execute the questionnaire on Form N-445; or, if such person is filing a petition for naturalization in behalf of a child pursuant to section 322 or 323 of the Immigration and Nationality Act, said child being 13 years of age or older on the date of the final hearing, such person shall execute the questionnaire on Form N-445B.

§ 336.17 Substitution of witnesses. See § 335b.2 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 332, 335, 336, 337, 66 Stat. 252, 255, 257, 258; 8 U.S.C. 1443, 1446, 1447, 1448.)

PART 341--CERTIFICATES OF CITIZENSHIP

§ 341.1 Application--(a) Form N-600. An application for a certificate of citizenship by or in behalf of a person who claims to have acquired United States citizenship under section 309(c) or to have acquired or derived United States citizenship as specified in section 341 of the Act shall be submitted on Form N-600 in accordance with the instructions thereon, accompanied by the fee specified in § 103.7(b)(1) of this chapter. The application shall be supported by documentary and other evidence essential to establish the claimed citizenship, such as birth, marriage, death, and divorce certificates.

(b) Form N-400. An applicant for naturalization who believes that, upon naturalization, his children under 18 years of age will derive United States citizenship under section 320 or under section 321 of the Act, may make application for a certificate of citizenship on behalf of any such children in advance of naturalization. The application shall be made on Form N-400, Application to File Petition for Naturalization, at the same time that the parent files his application for naturalization, by completing therein the item relating to a certificate of citizenship and submitting therewith the fee specified in § 103.7(b)(1) of this chapter for each certificate of citizenship applied for, and supporting documentary and other evidence, such as birth, marriage, death, and divorce certificates, essential to establish that citizenship will be derived as claimed.

§ 341.2 Examination upon application--(a) Personal appearance of claimant and parent or guardian. Each claimant, when notified to do so, and his par-

ent or guardian if one is acting in his behalf, shall appear in person before an assigned officer for examination under oath or affirmation upon the application. At the examination the claimant and the acting parent or guardian shall present testimony and evidence pertinent to the claim to citizenship and shall have the right to meet any evidence adverse thereto and to cross-examine witnesses called by the Government.

(b) Witnesses--(1) Personal appearance. Except as otherwise provided in this paragraph, the claimant or the acting parent or guardian shall produce before the assigned officer the person or persons through whom citizenship is claimed to give testimony under oath or affirmation concerning any matter in any way affecting the claim to citizenship. When citizenship is claimed through two persons, and each of such persons has had an extended period or periods of absence abroad after becoming a citizen, other than absence as an employee, or on behalf, of the United States Government, a member of the United States Armed Forces, or a spouse residing abroad with such a person, the two persons shall be produced to give testimony. In every other case when citizenship is claimed through two persons, only one of such two persons need be produced to give testimony: Provided, That all required documentary evidence submitted in support of the claim of citizenship, together with other evidence, the application, related files, and any other available sources of information do not give rise to an issue or question involving the citizenship status of the persons through whom citizenship is claimed, or the claimant's identity and alleged relationship to such persons, and leave no doubt that citizenship was acquired or derived as claimed and was not subsequently lost. If such issue, question, or doubt exists, or arises thereafter from the testimony of the single witness, the other person through whom citizenship is claimed also shall be produced to give testimony. If one of the two persons through whom citizenship is claimed has had an